

**RUTHERFORD COUNTY,
TENNESSEE
BOARD OF
COMMISSIONERS
LEGISLATIVE MINUTES**

**THURSDAY,
February 12, 2015**

RUTHERFORD COUNTY BOARD OF COMMISSIONERS**AGENDA**

FEBRUARY 12, 2015 6:00 P.M.

RUTHERFORD COUNTY COURTHOUSE, COURTROOM

- A. Commission called to order by Chairman
- B. Prayer
- C. Pledge to Flag
- D. Roll Call
- E. Reading and Approval of the Minutes
- F. Public Comments
- G. **RESOLUTION TO APPROVE CONSENT AGENDA**
 - 1. Elect Notaries
 - 2. Appointment of Judicial Commissioners: Sharon Troutman and Ryan Terrell
 - 3. General Fund Budget Amendments
 - (a) Provide Additional Funding for the Employee and Dependent Insurance for Various Departments
 - (b) Various Miscellaneous Nominal Line Item Transfers Within the Sheriff and Jail Budget
 - 4. Ambulance Fund Budget Amendment
 - (a) To complete the Renovation of the Lytle Street Administration Building
 - 5. General Purpose School Fund Budget Amendment
 - (a) Amendment for the Adult Education Critical Needs Grant
 - 6. Education Capital Project Fund Budget Amendment
 - 7. Resolution Authorizing \$20,000,000 Multifamily Housing Revenue Bonds for the Health and Educational Facilities Board
 - 8. Approval of the 2014 Homeland Security Grant Contract with the TEMA for Emergency Management
 - 9. Resolution Authorizing Sale of Surplus Sheriff's Department Vehicles
 - 10. Authorization to Apply for SAFER Grant from the Department of Homeland Security for Fire & Rescue
 - 11. Approval of Addendum to Agreement with Government Services Automation
 - 12. Approval of Sale of DeJarnette Lane Pump Station Property to the City of Murfreesboro
 - 13. Resolution to Authorize Emergency Management Agency to Apply for the Clean Tennessee Energy Grant
 - 14. Purchasing Committee Monthly Report
- H. **PUBLIC HEARINGS – 6:30 P.M.**
 - 1. Rezoning Request (14-A013): South Haven Development, located along Ocala Road; Existing Zoning – Residential Medium-Density (RM); Proposed Zoning – Planned Unit Development (PUD); Size of site approximately 262 acres
 - 2. Rezoning Request (15-A001): Dan and Kristy Allen, located at 509 John R. Rice Blvd.; Existing Zoning – Residential Medium-Density (RM); Proposed Zoning – Office Professional (OP); Size of site approximately 1.4 acres
 - 3. Rezoning Request (15-A002): Frank Bauer, located along Lebanon Pike; Existing Zoning Residential Medium-Density (RM); Proposed Zoning – Commercial Services (CS); Size Of site approximately 7.00 acres
 - 4. Rezoning Request (15-A003): Stuart Conway, located along Burnt Knob Road; Existing Zoning – Residential Medium-Density (RM); Proposed Zoning – Light Industrial (LI); Size Of site approximately 7.4 acres
- I. **UNFINISHED BUSINESS**
- J. **REPORTS BY STANDING COMMITTEES**
 - 1. **PURCHASING COMMITTEE**
 - A. No Report
 - 2. **BUDGET, FINANCE & INVESTMENT COMMITTEE**
 - A. General Fund Budget Amendments
 - B. Drug Fund Budget Amendment
 - C. Resolution to Approve Future School Building Program
 - D. Approval of Contract with Pictometry International Corp for Aerial Photography
 - E. Approval of Contract with Government Services and Associates, LLC, for Personal Property Audits
 - F. Resolution Authorizing the Issuance of General Obligation Refunding Bonds
 - G. Resolution to Approve License Agreement Between Tenn. Dept. of Environment & Conservation and Rutherford County for Space at #1 South Public Square, Room 215

3. **HEALTH & EDUCATION COMMITTEE**
 - A. No Report
 4. **PROPERTY MANAGEMENT COMMITTEE**
 - A. Resolution to Approve Execution of Consolidated Utility District Easement at Whitworth Buchanan Property
 5. **PUBLIC SAFETY COMMITTEE**
 - A. No Report
 6. **PUBLIC WORKS & PLANNING COMMITTEE**
 - A. No Report
 7. **STEERING, LEGISLATIVE & GOVERNMENTAL COMMITTEE**
 - A. No Report
- K. **ANY OTHER BUSINESS**
1. Audit Committee Report – Charlie Baum, Chairman

In accordance with ADA (Americans with Disabilities Act), any disabled persons requiring accommodations for participation in the meeting should contact the County Mayor's Office at 898-7745 at least two working days prior to the meeting in order that appropriate accommodations can be made.

**LEGISLATIVE DIGEST
OF THE
RUTHERFORD COUNTY
BOARD OF COMMISSIONERS**

Thursday, February 12, 2015

- A. Mr. Chairman, Ernest Burgess, called the regular session of the Rutherford County Board of Commissioners to order at 6:00 p.m. on Thursday, February 12, 2015, in the Courtroom of the Rutherford County Courthouse in Murfreesboro, Tennessee.
- B. Commissioner Brad Turner led the invocation.
- C. Commissioner Mike Kusch led the pledge to our flag.
- D. Twenty-One (21) Commissioners of the Rutherford County Board of Commissioners were present for the opening of the Legislative Meeting.
- E. The January 15, 2015, Legislative Meeting Minutes were adopted.
- F. **PUBLIC COMMENTS**
- G. **RESOLUTION TO APPROVE CONSENT AGENDA**
The Consent Agenda (items 1- 14 listed below) received unanimous approval.

CONSENT AGENDA

- 1. Elect Notaries
- 2. Appointment of Judicial Commissioners: Sharon Troutman and Ryan Terrell
- 3. General Fund Budget Amendments
 - (a) Provide Additional Funding for the Employee and Dependent Insurance for Various Departments
 - (b) Various Miscellaneous Nominal Line Item Transfers Within the Sheriff and Jail Budget
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- 11. Approval of Addendum to Agreement with Government Services Automation
- 12. Approval of Sale of DeJarnette Lane Pump Station Property to the City of Murfreesboro
- 13. Resolution to Authorize Emergency Management Agency to Apply for the Clean Tennessee Energy Grant
- 14. Purchasing Committee Monthly Report

H. PUBLIC HEARINGS – 6:30 P.M.

1. Rezoning Request 14-A013, submitted by South Haven Development, for property located along Ocala Road, was approved.
2. Rezoning Request 15-A001, submitted by Dan and Kristy Allen, for property located on John R. Rice Boulevard, was denied.
3. Rezoning Request 15-A002, submitted by Frank Bauer, for property located along Lebanon Pike, was approved.
4. Rezoning Request 15-A003, submitted by Stuart Conway, located along Burnt Knob Road, was approved.

I. UNFINISHED BUSINESS

- A. None Reported

J. REPORTS BY STANDING COMMITTEES**1. PURCHASING COMMITTEE REPORT**

- A. No Report

2. BUDGET, FINANCE & INVESTMENT COMMITTEE

- A. General Fund Budget Amendments were approved.
- B. A Drug Fund Budget Amendment was approved.
- C. Resolution to Approve Future School Building Program was approved.
- D. A Contract with Pictometry International Corp for Aerial Photography was not considered and will be rescheduled.
- E. A Contract with Government Services and Associates, LLC, for Personal Property Audits was approved.
- F. A Resolution Authorizing the Issuance of General Obligation Refunding Bonds was approved.
- G. A Resolution to Approve License Agreement between the Tennessee Department of Environment & Conservation and Rutherford County for Space at #1 South Public Square, Room 215, was approved.

K. ANY OTHER BUSINESS

Commissioner Charlie Baum, Audit Committee Chair, reported recent findings of State of Tennessee auditors.

Here are the findings:

Item 1. - The County Clerk reported one package of 'Month Stickers' (for placement on license plates) had been stolen. The Clerk now stores each package in a locked storage cabinet.

Item 2. - The Register of Deeds had petty cash stolen from a locked storage compartment. It had been determined a lock had been found to be compromised. The Register replaced the cash with personal funds and installed a wall safe in her office for storing cash.

Auditors addressed three 'repeat' deficiencies within the Circuit Court Clerk's office:

Item 3/4. - Reported accounting deficiencies are a direct result of previously reported, ongoing, software difficulties.

Item 5. - The segregation of duties within the Circuit Court Clerk's office are being addressed.

Item 6. - It was found multiple employees were working from the same cash drawer. The Clerk has formulated a plan to address this matter from reoccurrence.

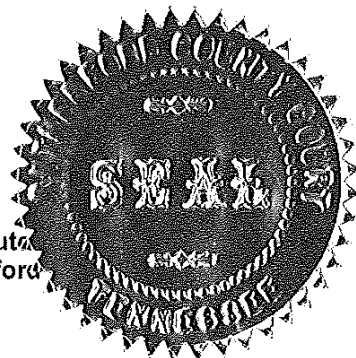
Commissioner Carol Cook thanked the Mayor for providing lapel pins depicting the official county seal.

There being no further business, Mr. Chairman, Ernest Burgess, adjourned the Rutherford County Board of Commissioners Legislative Meeting. Time of adjournment was 7:04 p.m.

Lisa Duke Crowell
Lisa Duke Crowell, Rutherford County Clerk

Rick Spence
Rick Spence, Legislative Secretary

**** This document is a public record. Complete Legislative Minutes documentation is available for review at the Office of the Rutherford



**ITEM A.
MEETING CALLED TO ORDER**

Mr. Chairman, Ernest Burgess, called the regular session of the Rutherford County Board of Commissioners to order on Thursday, February 12, 2015, at 6:00 p.m. in the Legislative Courtroom of the Rutherford County Courthouse in Murfreesboro, Tennessee.

**ITEM B.
PRAYER**

Commission Chaplain Brad Turner led the invocation.

**ITEM C.
PLEDGE**

Commissioner Mike Kusch led the pledge to our flag.

**ITEM D.
ROLL CALL**

Lisa Duke Crowell, County Clerk, called the Roll and upon Roll Call the following Commissioners were:

<u>ROLL CALL</u>	
Doug Shafer – present	Rhonda Allen – present
Steve Percy – present	Robert Stevens – present
Will Jordan – present	Paul Johnson – present
Robert Peay – present	Charlie Baum – present
Carol Cook – present	David Nipper – present
Joe Frank Jernigan – present	Phil Dodd – present
Mike Kusch – present	Jeff Phillips – present
Pettus Read – present	Allen McAdoo – present
Joe Gourley – present	Shawn Kaplan – present
Brad Turner – present	Trey Gooch – present
Chantho Sourinho – present	

A quorum present, Mayor Burgess called for the first item on the Agenda.

ITEM E.
APPROVAL OF COMMISSION MINUTES

MOTION

Commissioner Jeff Phillips moved, second by Commissioner Mike Kusch, to dispense with the reading of the minutes of January 15, 2015, and approve the minutes as presented.

MOTION ADOPTED BY UNANIMOUS VOICE VOTE.

ITEM F.
PUBLIC COMMENTS

VISITORS THAT REQUEST TO SPEAK AT COUNTY
COMMISSION MEETING ON

Feb. 12, 2015

DATE	NAME & PHONE NUMBER	TOPIC
1-26-15	① Erin Poole, 119 Tambark 893-6065 Circle	Crescent Ridge Subd., Lot 54 Drainage issues
1-30-15	② Donald Todd	Taxpayer Action Can Prevent Imminent Bankruptcy in R.C.

Donald Todd read from this prepared text:

633 Buck Lane
Murfreesboro, TN 37129
February 12, 2015

To the Rutherford County Commission and Mayor Burgess:

Taxpayer Action Can Prevent Imminent Bankruptcy in Rutherford County!

Financial problems persist because we are using millions of dollars of the taxpayers' own Surplus Revenue to pay for unnecessary investments. This makes it financially difficult to have an adequate balance of Surplus Revenue available in order to be able to pay off our huge county debt. Inevitably, this situation is moving us closer and closer to bankruptcy.

Let's itemize our financial records on June 30, 2014 in the C.A.F.R. report:

- No.1 Including interest, our Long Term debt for Bonds, and Notes and Capital Lease is more than \$460 million dollars;
- No. 2 Present and future OPEB debt for health benefits for County schools and County offices now stands at more than \$73 million dollars.
- No. 3 This means that the total debt for Rutherford County is more than one-half billion dollars. The County Commission needs to eliminate this terrible debt soon, or our taxpayers will be forced to pay off a bankrupt County, and commissioners must be required to stop making excessively large appropriations to the major funds. This action will prevent raising taxes.

When our County continues to follow T.M.L. or socialist Metro policies, we will become totally dependent upon Federal control. Socialism will be the end result and our Christian Constitution will be dead. Of course, an obvious method for securing a good financial balance for avoiding a shortfall in next year's budget would be to stop using any Surplus Revenue for purchasing investments.

However, if Surplus Revenue is used for making investments, this action would be authorized only under very strict legislative control. For example, the situation regarding the use of Surplus Revenue to avoid an anticipated shortfall in next year's budget the result of which might force a raise in taxes...should require an absolute priority status; so that, with this situation, a transfer of a required balance of Surplus Revenue funds must be made to the fund causing the shortfall, and in so doing, this transfer must make it unnecessary to raise taxes. Otherwise, absolutely no investments should be permitted.

The Tennessee State Comptroller, recently told Senator Frank Niceley of his serious concern over several counties falling into bankruptcy mainly through overspending. Fentress County and Clay County are having problems. In 2013, Williamson County fell into debt by a total of \$717 million dollars. Rutherford County citizens: tell your commissioners to stop our runaway debt.

Donald C. Todd

Donald C. Todd

In speaking on behalf of himself and residents of a subdivision developed by New South Development, Erin Poole asked the County Commission to “enforce the remedy for non-compliance of an approved development plan for the Ridge View at Crescent Ridge Subdivision.”

Poole presented this petition from the residents of the subdivision:

PETITION to the RUTHERFORD COUNTY BOARD of COMMISSIONERS

We the undersigned, residents and property owners of the Ridge View at Crescent Ridge Subdivision, implore the Rutherford County Board of Commissioners to pass a resolution directing the County Engineer, Mike Hughes, and the Rutherford County Planning Commission to enforce the remedy for non-compliance of the approved plan for our subdivision by the developer New South Development, Mr.'s Brian Morris and David Alcorn, as allowed under the Rutherford County Subdivision Regulations adopted on July 1, 1963, and amended through August 9, 2004, page22, section C, lines 4,5,and 6.

This section states “ When facilities are not constructed to approved plans and specifications. Rutherford County has the explicit authority to require compliance.” Furthermore, it states “ Upon recommendations of the county engineer the Planning Commission has the explicit authority to enforce and “call” any and all funds necessary to complete any required improvements covered by the security bond posted.” A list of these improvements is on page 21, section A-1, and include among others, b. grading, c. Storm drainage structures and facilities, and d. pavement and base, all of which represent the deficiencies in our subdivision. Page 21, section B-2 states that the Bond/ Letter of Credit be” in an amount sufficient to cover the cost of required improvements”

The Final Plat for our Subdivision was filed on 2/14/11, four years ago and clearly three years past the deadline for improvements to be completed as required in section A-1 of the Subdivision Regulations, page 21. In section B-3, page 21, there is provision for one 30 day extension grantable by the Planning Director, and “Any extension beyond thirty(30) calendar days will require approval from the Planning Commission”

In section A-1, page 21,a statement reads “An extension to this deadline may be approved by the Planning Commission when found to be reasonable. Ladies and Gentlemen, we are far beyond reasonable. In fact , we are two years past a 100% increase in the original deadline. We demand action. Once again, we are asking the Board of Commissioners for a resolution requiring the County Engineer and the Planning Commission to take immediate action.

Thank you for your time and consideration

The Undersigned

Name	Address	Date
1. John P. Ford	1411 Redmont Dr	2/9/15
2. John P. Ford	813 Twin View Dr.	2/9/15
3. John P. Ford	1407 Redmont Dr	2/9/15
4. Kala Kender	912 Twin View Dr.	2/9/15
5. Linda & Charles Bell	814 Twin View Dr.	2/9/15
6. John P. Ford	716 Twin View Dr.	2/9/15
7. John P. Ford	1406 Redmont Dr	2/10/15
8. John P. Ford	1406 Redmont Dr.	2/10/15
9. Reba J. McBride	705 Twin View Drive	2/10/15
10. John P. Ford	930 Twin View Dr.	2/10/15
11. John P. Ford	915 Twin View Dr	2/10/15
12. John P. Ford	821 Twin View Dr	2/10/15
13. John P. Ford	1415 Redmont Dr	2/10/15
14. John P. Ford	668 Twin View Dr	2/10/15
15. John P. Ford	718 Twin View Dr	2/10/15
16. John P. Ford	712 Twin View Dr.	2/10/15
17. John P. Ford	720 Twin View Dr	2/10/15
18. John P. Ford	720 Twin View Dr.	2/10/15
19. John P. Ford	724 Twin View Dr.	2/10/15
20. John P. Ford	732 Twin View Dr	2/10/15
21. John P. Ford	733 Twin View Dr.	2/10/15
22. John P. Ford	801 Twin View Drive	2/10/15
23. John P. Ford	933 Twin View Dr.	2/10/15
24. John P. Ford	804 Twin View Dr.	2/11/15
25. John P. Ford	820 Twin View Dr	2/11/15
26. John P. Ford	665 Twin View Dr.	2-11-15
27. John P. Ford	704 Twin View Dr.	2-11-15
28. John P. Ford	708 Twin View Dr.	2/11/15
29. John P. Ford	708 Twin View Dr.	2/11/15
30. John P. Ford	1411 Redmont Dr.	2-11-15

ITEM G. RESOLUTION TO APPROVE CONSENT AGENDA

RESOLUTION

BE IT RESOLVED by the Rutherford County Board of Commissioners that all matters (items) listed below and constituting the Consent Agenda be and are hereby approved and adopted as follows:

1. Elect Notaries
2. Appointment of Judicial Commissioners: Sharon Troutman and Ryan Terrell
3. General Fund Budget Amendments
 - (a) Provide Additional Funding for the Employee and Dependent Insurance for Various Departments
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11. Approval of Addendum to Agreement with Government Services Automation
12. Approval of Sale of Dejarnette Lane Pump Station Property to the City of Murfreesboro
13. Resolution to Authorize Emergency Management Agency to Apply for the Clean Tennessee Energy Grant
14. Purchasing Committee Monthly Report

RESOLVED this 12th day of February, 2015.

RUTHERFORD COUNTY, TENNESSEE

ATTEST:


LISA DUKE CROWELL, County Clerk

BY: 
ERNEST G. BURGESS, Chairman

MOTION

Commissioner Robert Stevens moved, second by Commissioner Trey Gooch, to approve the Consent Agenda as presented.*

UPON ROLL CALL, THE FOLLOWING COMMISSIONERS VOTED:

Doug Shafer – aye
Steve Percy – aye
Will Jordan – aye
Robert Peay – aye
Carol Cook – aye
Joe Frank Jernigan – aye
Mike Kusch – aye
Pettus Read – aye
Joe Gourley – aye
Brad Turner – aye
Chantho Sourinho – aye

Rhonda Allen – aye
Robert Stevens – aye
Paul Johnson – aye
Charlie Baum – aye
David Nipper – aye
Phil Dodd – aye
Jeff Phillips – aye
Allen McAdoo – aye
Shawn Kaplan – aye
Trey Gooch – aye

MOTION ADOPTED BY ROLL CALL VOTE.

- **Documents relative to the Consent Agenda are presented on the following pages in the order in which they were listed in the agenda.**

RUTHERFORD COUNTY CLERK
 LISA CROWELL COUNTY CLERK
 319 N. MAPLE STREET
 MURFREESBORO TN 37130
 Telephone 615-898-7800
 Fax 615-217-6597

Notaries to be elected February 12, 2015

TIFANY J ANTHONY	CARL D MONTGOMERY
ROBERT F. ARNOLD	KAREN K. MORGAN
KATIE BRAMLAGE	SARAH PARSLEY
CATHY JEAN CASTEEL	GARY N PATTON
AMY KRISTEN CAYLOR	JENNIFER L POLLARD
KIMBERLY R CLAY	TANYA C. POLLOCK
DELORES E. CLIMER	JEANNETTA L PORRAS
VICKIE CRAWFORD	TERESA L POSEY
JOANNE CRISWELL	CAROL E PRATER
JENNIFER L. CROSS	T H RATNER
MELINDA DAVY	MARY F REED
HOLLY D DINKINS	STEPHANIE RICHARDSON
RANDOLPH S DIXON	MATTHEW SCOTT ROE
SHANA DOUGLAS	DELA ROLLINS
SHANNON L. DUKE	JAMIE SAVILLE
RACHEL ELKINS	JENNIFER JO SCHILTZ
GARY B. FISHER	DAVID L SETTLES
MEGHAN FLAGG	MELISSA B SHELLEY
VANESSA GILBERT	KAREN SHELTON
PATRICIA M GOODROW	ABBY SHERWOOD
MICHELE GUNTER	JENNIFER SHORT
MARY TABBETHEA HASSELL	DANA S. SIMPSON
KIMBERLY DAWN HAWKINS	SANDRA L. M. SMITH
DANIEL W HAYES	LINDSAY A. SMITH
DIXIE HOOPER	PAULA R. SMITHSON
ROBIN D HOUSCH	KRYSTAL D. SMOTHERMAN
VICKI HUFFINE	CAROLYN SMOTHERMAN
ARTHUR CURTIS HUTSON JR	CHERYL A STEVENSON
DENNIS L JOHNSON	SUSAN KAY STRINGFIELD
TRACY L. JOHNSON	BETTY T. SULLIVAN
AUDREY L. JONES	RICHARD TREW
GLENDA Y JONES	AHMON WATKINS
BOOMER LAHRMAN	CHRISTOPHER W. WEAVER
SHAWN C MALUGIN	KAREN LEA WILLEY
BILL MARTIN	RACHELLE L WINDROW
RHONDA GAY MATHERNE	IAN A YOCUM
REBECCA LYNN MCEWEN	BREANNA ZEIS
CINDY M MILAM	LISA ZEISLOFT
LARRY D MILLER	
JENNIFER MONTGOMERY	

RESOLUTION

WHEREAS, the Health and Educational Facilities Board of Rutherford County approved a resolution authorizing the issuance of not to exceed Twenty Million Dollars (\$20,000,000.00) Multifamily Housing Revenue Bonds at its January 2015 meeting; and

WHEREAS, the proceeds of the bond issue will be loaned to Imperial Gardens II, L.P. and will be used for the acquisition, rehabilitation and equipping of a 300 unit multifamily housing facility in Smyrna, Tennessee.

THEREFORE BE IT RESOLVED by the Rutherford County Board of Commissioners that the resolution of the Health and Educational Facilities Board of Rutherford County for a bond issue of not to exceed Twenty Million Dollars (\$20,000,000.00) be, and is hereby authorized, a copy of the same being attached hereto as "Exhibit 1" and incorporated herein by reference as if set forth herein at length verbatim.

RESOLVED this 12th day of February, 2015.

RUTHERFORD COUNTY, TN

BY: 
ERNEST G. BURGESS, Chairman

ATTEST:


LISA CROWELL, County Clerk

RESOLUTION

WHEREAS, Rutherford County has received a grant in the amount of Sixty Eight Thousand One Hundred Sixty Eight Dollars (\$68,168.00) for the 2014 Homeland Security Grant Program for the provision of pass-through funding provided by the United States Department of Homeland Security; and

WHEREAS, the grant is One Hundred Percent (100.0%) federally funded and is effective for the period beginning September 1, 2014 and ending on April 30, 2016.

THEREFORE BE IT RESOLVED by the Rutherford County Board of Commissioners that the County Mayor and other appropriate officials of Rutherford County, TN be and are hereby authorized to execute all necessary documents with the State of Tennessee, Department of Military, Tennessee Emergency Management Agency to accept the 2014 Homeland Security Grant in the amount of Sixty Eight Thousand One Hundred Sixty Eight Dollars (\$68,168.00).

RESOLVED this 12th day of February, 2015.

RUTHERFORD COUNTY, TENNESSEE

BY: 
ERNEST G. BURGESS, Chairman

ATTEST:


LISA CROWELL, County Clerk

RESOLUTION

WHEREAS, the Rutherford County Sheriff's Office wishes to sell surplus patrol vehicles to other government entities across the State of Tennessee; and

WHEREAS, Tennessee Code Annotated Section 12-2-420 authorizes Rutherford County to dispose of surplus personal property by sale to other government entities upon such terms as authorized by the county legislative body; and

WHEREAS, Rutherford County desires to sell surplus patrol vehicles to other government entities across the State of Tennessee at a minimum price of \$2,000.00 per vehicle; and

WHEREAS, Rutherford County desires to sell surplus patrol vehicles to create additional revenue for the County.

THEREFORE, BE IT RESOLVED by the Rutherford County Board of Commissioners that:

1. The Rutherford County Sheriff's Office is authorized to sell surplus patrol vehicles to other government entities across the State of Tennessee at the minimum price of \$2,000.00 per vehicle.
2. That this Resolution be forwarded to the governing bodies of those government entities that wish to purchase surplus patrol vehicles from the Rutherford County Sheriff's Office.
3. This Resolution shall take effect upon adoption, the general welfare requiring it.

RESOLVED this 12th day of February, 2015.

RUTHERFORD COUNTY, TN

BY: 
ERNEST G. BURGESS, Chairman

ATTEST:


LISA CROWELL, County Clerk

RESOLUTION

WHEREAS, the Rutherford County Fire and Rescue Department has been made aware of the 2014 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program through the Federal Emergency Management Agency; and

WHEREAS, the purpose of the SAFER Grant Program is to help fire departments increase the number of firefighters to meet industry minimum standards; and

WHEREAS, the Fire and Rescue Department requests permission to apply for grant funds for twelve positions.

THEREFORE BE IT RESOLVED by the Rutherford County Board of Commissioners that the County Mayor and all other required officials of Rutherford County, Tennessee be, and are hereby authorized, to submit an application to the Federal Emergency Management Agency for the SAFER Grant.

RESOLVED this 12th day of February, 2015.

RUTHERFORD COUNTY, TN

BY: 
ERNEST G. BURGESS, Chairman

ATTEST:


LISA CROWELL, County Clerk

RESOLUTION

WHEREAS, Rutherford County entered into an agreement with Government Service Automation, Inc., for consulting and data processing services, on December 12, 1989; and

WHEREAS, the agreement was terminated on November 30, 2014; and

WHEREAS, the Circuit Court Clerk wishes to reinstate the agreement for seven (7) months, from November 30, 2014 through June 30, 2015, through the execution of an addendum; and

WHEREAS, the departments of District Attorney General, Domestic Violence, General Sessions, Juvenile Court and Juvenile Detention each wish to execute a GSA Nonexclusive License Agreement in order to use the GSA software programs and related materials utilized by the Circuit Court Clerk.

THEREFORE BE IT RESOLVED by the Rutherford County Board of Commissioners that all appropriate officials of Rutherford County, Tennessee be, and are hereby authorized, to execute the addendum to the agreement and the GSA Nonexclusive License Agreements with Government Service Automation, Inc., a copy of the same being attached hereto as "Exhibit A" and incorporated herein by reference as if set forth herein at length verbatim, to continue receiving consulting and data processing services from November 30, 2014 through June 30, 2015.

RESOLVED this 12th day of February, 2015.

RUTHERFORD COUNTY, TN

BY: 
ERNEST G. BURGESS, Chairman

ATTEST:


LISA CROWELL, County Clerk

RESOLUTION

WHEREAS, the City of Murfreesboro intends to replace their sewer pump station located on Dejamette Lane near Oakland High School; and

WHEREAS, the City of Murfreesboro needs additional property and a temporary construction easement to complete this replacement and has offered Six Hundred Seventy Dollars (\$670.00) for the property and easement; and

WHEREAS, Rutherford County owns a portion of the property known as Map 81, Parcel 10, where the additional property and the temporary construction easement is desired; and

WHEREAS, Rutherford County desires to sell the entire portion of the parcel owned for Six Hundred Seventy Dollars (\$670.00) and the City of Murfreesboro has accepted the offer.

THEREFORE BE IT RESOLVED by the Rutherford County Board of Commissioners that the County Mayor and all other appropriate officials of Rutherford County, Tennessee be, and are hereby authorized, to execute for and on behalf of Rutherford County the necessary sales documents, a copy of the same being attached hereto as "Exhibit 1" and incorporated herein by reference as if set forth herein at length verbatim, to transfer and convey the property to the City of Murfreesboro.

RESOLVED this 12th day of February, 2015.

RUTHERFORD COUNTY, TN

BY: 
ERNEST G. BURGESS, Chairman

ATTEST:


LISA CROWELL, County Clerk

RESOLUTION

WHEREAS, the Rutherford County Emergency Management Agency has been made aware of a Clean Tennessee Energy Grant Program through the Tennessee Department of Environment and Conservation, which requires a Fifty Percent (50.0%) match; and

WHEREAS, the purpose of the Clean Tennessee Energy Grant Program is to select and fund projects that best result in energy conservation; and

WHEREAS, if said grant is awarded, the Emergency Management Agency intends to replace the current lighting with LED's, replace the HVAC system and replace a portion of the roof at an estimated cost of One Hundred Thousand Dollars (\$100,000.00).


THEREFORE BE IT RESOLVED by the Rutherford County Board of Commissioners that the County Mayor and all other required officials of Rutherford County, Tennessee be, and are hereby authorized, to submit a pre-proposal to the Tennessee Department of Environment and Conservation for the Clean Tennessee Energy Grant, and if the pre-proposal is approved to also authorize the County Mayor and all other required officials of Rutherford County, Tennessee to submit a full proposal (by invitation only) for the said grant.

RESOLVED this 12th day of February, 2015.

RUTHERFORD COUNTY, TN

BY: 
ERNEST G. BURGESS, Chairman

ATTEST:


LISA CROWELL, County Clerk

ITEM H. PUBLIC HEARINGS

ITEM H.1. REZONING REQUEST 14-A013 – South Haven Development – Ocala Road

A RESOLUTION TO AMEND THE RUTHERFORD COUNTY ZONING MAP ADOPTED NOVEMBER 15, 2012 (EFFECTIVE JANUARY 1, 2013)

WHEREAS, the Rutherford County Regional Planning Commission in regular session on January 12, 2015 completed a detailed analysis of property referenced by file 14-A013 submitted by South Haven Development, and further referenced by: Tax Map 94, Parcels: 1.01 and 34.00; Tax Map 77, Parcels: 62.00, 64.00 and 64.01 (portion); and Tax Map 76, Parcel: 39.03 and 39.02 (portion) of the Rutherford County Tax Maps, located in the 4th and 7th Civil Districts, and located along Ocala Road; and

WHEREAS, due notice was published and a hearing held in accordance with Tennessee Code Annotated 13-7-105 and Section 1409 of the Rutherford County Zoning Ordinance; and

WHEREAS, it has been determined that the proposed rezoning of the above referenced properties will not adversely affect the health, safety, or general welfare of the citizens of Rutherford County and the surrounding community; and

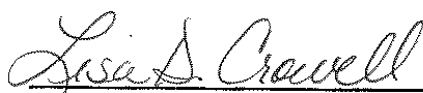
WHEREAS, it has been determined that the proposed rezoning of the above referenced properties is consistent with the land use policies within the Rutherford County Comprehensive Plan; and

WHEREAS, the Rutherford County Regional Planning Commission recommends that the subject properties be rezoned from Residential Medium-Density (RM) to Planned Unit Development (PUD) by a vote of 10 for and 0 against;

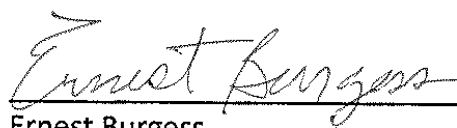
NOW THEREFORE BE IT RESOLVED by the Rutherford County Board of Commissioners that:

The Zoning Map of Rutherford County be amended by rezoning the following tracts IN THEIR ENTIRETY from RM to PUD: Tax Map 94, Parcels 1.01 and 34.00; Tax Map 77, Parcels 62.00 and 64.00; and Tax Map 76, Parcel 39.03; and the following tracts PARTIALLY from RM to PUD: Tax Map 77, Parcel 64.01 and Tax Map 76, Parcel 39.02, as described on the attached legal description marked Exhibit A, containing 262 acres more or less.

Date: February 12, 2015



Lisa D. Crowell,
County Clerk



Ernest Burgess,
County Mayor

PUBLIC HEARING

Mr. Chairman, Ernest Burgess, recessed the Rutherford County Board of Commissioners Legislative Meeting to hold a Public Hearing on the request.

Mr. Burgess requested that anyone desiring to speak on the issue to please come forward to the microphone, state their name, address and whether they were for or against the proposed request.

No person spoke for or against the request.

Mayor Burgess closed the Public Hearing and called the Rutherford County Board of Commissioners Legislative meeting back into session.

Planning Director Doug Demosi, in outlining the details of the rezoning request, advised the Planning Commission voted to approve the rezoning request.

MOTION

Commissioner Mike Kusch motioned, second by Commissioner Trey Gooch, to approve the rezoning request 14-A013.

MOTION ADOPTED BY UNANIMOUS VOICE VOTE.

ITEM H.2.
REZONING REQUEST 15 -A001 – Dan and Kristy Allen
- John R. Rice Blvd.

**A RESOLUTION TO AMEND
 THE RUTHERFORD COUNTY ZONING MAP
 ADOPTED NOVEMBER 15, 2012 (EFFECTIVE JANUARY 1, 2013)**

WHEREAS, the Rutherford County Regional Planning Commission in regular session on January 12, 2015 completed a detailed analysis of property referenced by file 15-A001 submitted by Dan and Kristy Allen, and further referenced by Tax Map 92B, Group E, Parcel 8.00 of the Rutherford County Tax Maps, located in the 13th Civil District, and located at 509 John R. Rice Boulevard; and

WHEREAS, due notice was published and a hearing held in accordance with Tennessee Code Annotated 13-7-105 and Section 1409 of the Rutherford County Zoning Ordinance; and

WHEREAS, it has been determined that the proposed rezoning of the above referenced property WILL adversely affect the health, safety, and general welfare of the citizens of Rutherford County and the surrounding community; and

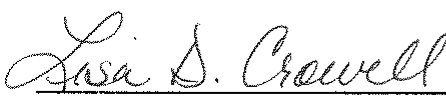
WHEREAS, it has been determined that the proposed rezoning of the above referenced property is NOT consistent with the land use policies within the Rutherford County Comprehensive Plan; and

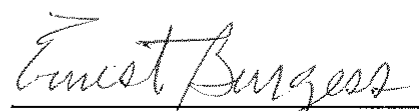
WHEREAS, the Rutherford County Regional Planning Commission recommends DENIAL of the applicant's request that the subject property be rezoned from Residential Medium-Density (RM) to Office Professional (OP) by a vote of 10 for and 0 against;

NOW THEREFORE BE IT RESOLVED by the Rutherford County Board of Commissioners that:

The Zoning Map of Rutherford County for property referenced Tax Map 92B, Group E, Parcel 8.00, containing 1.4 acres, more or less, NOT BE amended.

Date: February 12, 2015


 Lisa D. Crowell,
 County Clerk


 Ernest Burgess,
 County Mayor

PUBLIC HEARING

Mr. Chairman, Ernest Burgess, recessed the Rutherford County Board of Commissioners Legislative Meeting to hold a Public Hearing on the request.

Mr. Burgess requested that anyone desiring to speak on the issue to please come forward to the microphone, state their name, address and whether they were for or against the proposed request.

Four (4) citizens spoke against the request.

Mayor Burgess closed the Public Hearing and called the Rutherford County Board of Commissioners Legislative meeting back into session.

Planning Director Doug Demosi, in outlining the details of the rezoning request, advised the Planning Commission voted to deny the rezoning request.

MOTION

Commissioner Phil Dodd motioned, second by Commissioner Jeff Phillips, and others, to deny the rezoning request 15-A001.

MOTION ADOPTED BY UNANIMOUS VOICE VOTE.

ITEM H.3. REZONING REQUEST 15-A002– Frank Bauer – Lebanon Pike

**A RESOLUTION TO AMEND
THE RUTHERFORD COUNTY ZONING MAP
ADOPTED NOVEMBER 15, 2012 (EFFECTIVE JANUARY 1, 2013)**

WHEREAS, the Rutherford County Regional Planning Commission in regular session on January 12, 2015 completed a detailed analysis of property referenced by file 15-A002 submitted by Frank Bauer, and further referenced by Tax Map 46, Parcels 8.00 (portion) and 35.00 of the Rutherford County Tax Maps, located in the 9th and 15th Civil Districts, and located at 5636 Lebanon Pike; and

WHEREAS, due notice was published and a hearing held in accordance with Tennessee Code Annotated 13-7-105 and Section 1409 of the Rutherford County Zoning Ordinance; and

WHEREAS, it has been determined that the proposed rezoning of the above referenced properties will not adversely affect the health, safety, or general welfare of the citizens of Rutherford County and the surrounding community; and

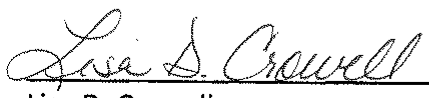
WHEREAS, it has been determined that the proposed rezoning of the above referenced properties is consistent with the land use policies within the Rutherford County Comprehensive Plan; and

WHEREAS, the Rutherford County Regional Planning Commission recommends that the subject properties be rezoned from Residential Medium-Density (RM) to Commercial Services (CS) by a vote of 10 for and 0 against;

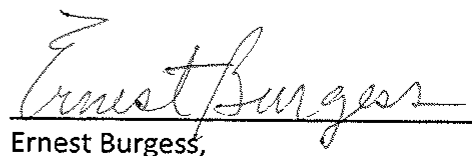
NOW THEREFORE BE IT RESOLVED by the Rutherford County Board of Commissioners that:

The Zoning Map of Rutherford County be amended by rezoning the following tract IN ITS ENTIRETY from RM to CS; Tax Map 46, Parcel 35.00 and the following tract PARTIALLY from RM to CS: Tax Map 46, Parcel 8.00, as described on the attached legal description marked Exhibit A, total area containing 7 acres more or less.

Date: February 12, 2015



Lisa D. Crowell,
County Clerk



Ernest Burgess,
County Mayor

PUBLIC HEARING

Mr. Chairman, Ernest Burgess, recessed the Rutherford County Board of Commissioners Legislative Meeting to hold a Public Hearing on the request.

Mr. Burgess requested that anyone desiring to speak on the issue to please come forward to the microphone, state their name, address and whether they were for or against the proposed request.

No person spoke for or against the request.

Mayor Burgess closed the Public Hearing and called the Rutherford County Board of Commissioners Legislative meeting back into session.

Planning Director Doug Demosi, in outlining the details of the rezoning request, advised the Planning Commission voted to approve the rezoning request.

MOTION

Commissioner Steve Percy motioned, second by Commissioner Will Jordan, to approve the rezoning request 15-A002.

MOTION ADOPTED BY UNANIMOUS VOICE VOTE.

ITEM H.4. REZONING REQUEST 15-A003 – Stuart Conway of Burnt Knob Road

**A RESOLUTION TO AMEND
THE RUTHERFORD COUNTY ZONING MAP
ADOPTED NOVEMBER 15, 2012 (EFFECTIVE JANUARY 1, 2013)**

WHEREAS, the Rutherford County Regional Planning Commission in regular session on January 12, 2015 completed a detailed analysis of property referenced by file 15-A003 submitted by Stuart Conway, and further referenced by Tax Map 77, Parcel 23.08 of the Rutherford County Tax Maps, located in the 7th Civil District, and located at 5940 Burnt Knob Road; and

WHEREAS, due notice was published and a hearing held in accordance with Tennessee Code Annotated 13-7-105 and Section 1409 of the Rutherford County Zoning Ordinance; and

WHEREAS, it has been determined that the proposed rezoning of the above referenced property will not adversely affect the health, safety, or general welfare of the citizens of Rutherford County and the surrounding community; and


WHEREAS, it has been determined that the proposed rezoning of the above referenced property is consistent with the land use policies within the Rutherford County Comprehensive Plan; and

WHEREAS, the Rutherford County Regional Planning Commission recommends that the subject property be rezoned from Residential Medium-Density (RM) to Light Industrial (LI) by a vote of 9 for and 1 against;


NOW THEREFORE BE IT RESOLVED by the Rutherford County Board of Commissioners that:

The Zoning Map of Rutherford County be amended by rezoning from RM to LI, as referenced by Tax Map 77, Parcel 23.08, containing 7.4 acres more or less.

Date: February 12, 2015



Lisa D. Crowell,
County Clerk



Ernest Burgess,
County Mayor

PUBLIC HEARING

Mr. Chairman, Ernest Burgess, recessed the Rutherford County Board of Commissioners Legislative Meeting to hold a Public Hearing on the request.

Mr. Burgess requested that anyone desiring to speak on the issue to please come forward to the microphone, state their name, address and whether they were for or against the proposed request.

No person spoke for or against the request.

Mayor Burgess closed the Public Hearing and called the Rutherford County Board of Commissioners Legislative meeting back into session.

Planning Director Doug Demosi, in outlining the details of the rezoning request, advised the Planning Commission voted to approve the rezoning request.

MOTION

Commissioner Joe Gourley motioned, second by Commissioner Mike Kusch, to approve the rezoning request 15-A003.

MOTION ADOPTED BY VOICE VOTE. THERE WAS A SINGLE DISSENTING VOTE.

ITEM I. UNFINISHED BUSINESS

None Reported

ITEM J. REPORTS BY STANDING COMMITTEES

ITEM J.1. PURCHASING COMMITTEE

ITEM J.1.A. NO REPORT

ITEM J.2.
BUDGET, FINANCE & INVESTMENT COMMITTEE

ITEM J.2.A.1.
RESOLUTION – GENERAL FUND BUDGET
AMENDMENT

Item J. 2. A1.

RESOLUTION

BE IT RESOLVED by the Rutherford County Board of Commissioners that the GENERAL FUND be amended as follows:

<u>Sheriff's Department</u>			
Increase Expend.:	101-54210-422 Food Supplies		\$350,000
Decrease:	101-39000 Unassign. Fund Bal.		\$350,000
<u>District Attorney/Juvenile Detention</u>			
Decrease:	101-39000 Unassign. Fund Bal.		\$5,770
Increase Expend.:	101-53600-317 Data Proc. Services		\$5,050
	101-54240-317 Data Proc. Services		\$720

RESOLVED this 12th day of February, 2015

RUTHERFORD COUNTY, TN

BY: 
ERNEST G. BURGESS, Chairman

ATTEST:


LISA CROWELL, County Clerk

MOTION

Commissioner Will Jordan moved, second by Commissioner Joe Frank Jernigan, to approve the amendment as presented.

UPON ROLL CALL, THE
FOLLOWING COMMISSIONERS VOTED:

- | | |
|--------------------------|----------------------|
| Doug Shafer – aye | Rhonda Allen – aye |
| Steve Percy – aye | Robert Stevens – aye |
| Will Jordan – aye | Paul Johnson – aye |
| Robert Peay – nay | Charlie Baum – aye |
| Carol Cook – aye | David Nipper – aye |
| Joe Frank Jernigan – aye | Phil Dodd – aye |
| Mike Kusch – aye | Jeff Phillips – aye |
| Pettus Read – aye | Allen McAdoo – aye |
| Joe Gourley – aye | Shawn Kaplan – aye |
| Brad Turner – aye | Trey Gooch –aye |
| Chantho Sourinho – aye | |

MOTION ADOPTED BY ROLL CALL VOTE.

**ITEM J.2.B.
RESOLUTION – DRUG FUND BUDGET AMENDMENT**

Item J. 2. B.

RESOLUTION

BE IT RESOLVED by the Rutherford County Board of Commissioners that the DRUG FUND be amended as follows:

Sheriff's Department:

Increase Expend.:	122-54150-196 In-service Training	\$15,000
Decrease:	122-34525 Restrict. for Pub. Safe.	\$15,000
Increase Expend.:	122-54150-716 Law Enforce. Equip.	\$70,000
Decrease:	122-34525 Restrict. for Pub. Safe.	\$70,000

RESOLVED this 12th day of February, 2015.

RUTHERFORD COUNTY, TN

BY: 
ERNEST G. BURGESS, Chairman

ATTEST:


LISA CROWELL, County Clerk

MOTION

Commissioner Will Jordan moved, second by Commissioner Doug Shafer, to approve the amendment.

**UPON ROLL CALL, THE
FOLLOWING COMMISSIONERS VOTED:**

- | | |
|--------------------------|----------------------|
| Doug Shafer – aye | Rhonda Allen – aye |
| Steve Percy – aye | Robert Stevens – aye |
| Will Jordan – aye | Paul Johnson – aye |
| Robert Peay – aye | Charlie Baum – aye |
| Carol Cook – aye | David Nipper – aye |
| Joe Frank Jernigan – aye | Phil Dodd – aye |
| Mike Kusch – aye | Jeff Phillips – aye |
| Pettus Read – aye | Allen McAdoo – aye |
| Joe Gourley – aye | Shawn Kaplan – aye |
| Brad Turner – aye | Trey Gooch – aye |
| Chantho Sourinho – aye | |

MOTION ADOPTED BY ROLL CALL VOTE.

ITEM J.2.C.
RESOLUTION – APPROVE FUTURE SCHOOL
BUILDING PROGRAM

Item J. 2. C.

RESOLUTION

WHEREAS, there is a need to renovate and expand schools due to growth in the area;
and

WHEREAS, the Rutherford County Board of Education has prepared a five (5) year
capital plan to demonstrate the future needs of the school system; and

WHEREAS, the Rutherford County Board of Education desires to proceed with the
following projects at the estimated costs as approved by the various County Committees:

John Colemon School Addition/Renovation	\$19,865,000
Roy Waldron Addition	\$4,720,000
Land for Smyrna Middle and Elementary Schools	\$2,700,000
Oakland Middle Annex Land	\$600,000
Eagleville Practice Field Land	<u>\$20,000</u>
Total	\$27,905,000


THEREFORE BE IT RESOLVED by the Rutherford County Board of Commissioners
that funding for the projects in an estimated amount of Twenty Seven Million Nine Hundred
Five Thousand Dollars (\$27,905,000.00) be authorized from a future bond issue for the
constructing, equipping, architect fees, and other costs for the projects.

RESOLVED this 12th day of February, 2015.

RUTHERFORD COUNTY, TN

BY: 
ERNEST G. BURGESS, Chairman

ATTEST:


LISA CROWELL, County Clerk

MOTION

Commissioner Will Jordan moved, second by Commissioner Rhonda Allen, to approve the Future School Building Program.

UPON ROLL CALL, THE FOLLOWING COMMISSIONERS VOTED:

Doug Shafer – aye
Steve Percy – aye
Will Jordan – aye
Robert Peay – aye
Carol Cook – aye
Joe Frank Jernigan – aye
Mike Kusch – aye
Pettus Read – aye
Joe Gourley – aye
Brad Turner – aye
Chantho Sourinho – aye

Rhonda Allen – aye
Robert Stevens – aye
Paul Johnson – aye
Charlie Baum – aye
David Nipper – aye
Phil Dodd – aye
Jeff Phillips – aye
Allen McAdoo – aye
Shawn Kaplan – aye
Trey Gooch – aye

MOTION ADOPTED BY ROLL CALL VOTE.

**ITEM J.2.D.
RESOLUTION – CONTRACT WITH PICTOMETRY
INTERNATIONAL CORP. FOR AERIAL PHOTOGRAPY**

ITEM J.2.D. DEFERRED

**ITEM J.2.E1.
RESOLUTION – CONTRACT WITH GOVERNMENT
SERVICES AND ASSOCIATES, LLC, FOR PERSONAL
PROPERTY AUDITS**

Item J. 2. E1.

RESOLUTION

WHEREAS, the Rutherford County Property Assessor desires to enter into an agreement with Government Services and Associates, LLC, to provide audit and compliance review services of business personal property; and

WHEREAS, the agreement is effective from February 2015 to February 2016 and will automatically renew annually on the anniversary date of each year unless the County has given notice of cancellation of the Agreement to the contractor thirty (30) days in advance of any renewal, in which case, the contract shall terminate on the anniversary date following the notice; and

WHEREAS, the total annual cost of the services performed shall not exceed Sixty One Thousand Dollars (\$61,000.00).


THEREFORE BE IT RESOLVED by the Rutherford County Board of Commissioners that all appropriate officials of Rutherford County, Tennessee be, and are hereby authorized, to execute the agreement for audit and compliance review services of business personal property with Government Services and Associates, LLC, a copy of the same being attached hereto as “Exhibit 1” and incorporated herein by reference as if set forth herein at length verbatim.

RESOLVED this 12th day of February, 2015.

RUTHERFORD COUNTY, TN

BY: 
ERNEST G. BURGESS, Chairman

ATTEST:


LISA CROWELL, County Clerk

MOTION

Commissioner Will Jordan moved, second by Commissioner Chantho Sourinho, to approve contract with Government Services and Associates, LLC, for Personal Property Audits.

**UPON ROLL CALL, THE
FOLLOWING COMMISSIONERS VOTED:**

Doug Shafer – aye
Steve Percy – aye
Will Jordan – aye
Robert Peay – aye
Carol Cook – aye
Joe Frank Jernigan – aye
Mike Kusch – aye
Pettus Read – aye
Joe Gourley – aye
Brad Turner – aye
Chantho Sourinho – aye

Rhonda Allen – aye
Robert Stevens – aye
Paul Johnson – aye
Charlie Baum – aye
David Nipper – aye
Phil Dodd – aye
Jeff Phillips – aye
Allen McAdoo – aye
Shawn Kaplan – aye
Trey Gooch – aye

MOTION ADOPTED BY ROLL CALL VOTE.

ITEM J.2. E2
RESOLUTION – GENERAL FUND BUDGET
AMENDMENT

Item J. 2. E2.

RESOLUTION

BE IT RESOLVED by the Rutherford County Board of Commissioners that the GENERAL FUND be amended as follows:


<u>Property Assessor</u>		
Increase Expend.:	101-52300-399 Other Cont. Serv.	\$21,000
Decrease Expend.:	101-52300-106 Deputies	\$17,555
	101-52300-201 Social Security	\$1,089
	101-52300-204 State Retirement	\$2,101
	101-52300-212 Employer Medicare	\$255

RESOLVED this 12th day of February, 2015

RUTHERFORD COUNTY, TN

BY: 
ERNEST G. BURGESS, Chairman

ATTEST:


LISA CROWELL, County Clerk

MOTION

Commissioner Will Jordan moved, second by Commissioner Jeff Phillips, to approve the General Fund Amendment.

UPON ROLL CALL, THE
FOLLOWING COMMISSIONERS VOTED:

Doug Shafer – aye	Rhonda Allen – aye
Steve Percy – aye	Robert Stevens – aye
Will Jordan – aye	Paul Johnson – aye
Robert Peay – aye	Charlie Baum – aye
Carol Cook – aye	David Nipper – aye
Joe Frank Jernigan – aye	Phil Dodd – aye
Mike Kusch – aye	Jeff Phillips – aye
Pettus Read – aye	Allen McAdoo – aye
Joe Gourley – aye	Shawn Kaplan – aye
Brad Turner – aye	Trey Gooch – aye
Chantho Sourinho – aye	

MOTION ADOPTED BY ROLL CALL VOTE.

ITEM J.2.F.

RESOLUTION – AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS

Item J. 2. F.

A RESOLUTION AUTHORIZING THE ISSUANCE, IN ONE OR MORE SERIES, OF GENERAL OBLIGATION REFUNDING BONDS OF RUTHERFORD COUNTY, TENNESSEE, IN THE APPROXIMATE PRINCIPAL AMOUNT OF NOT TO EXCEED THIRTY-FOUR MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$34,800,000) FOR THE PURPOSE OF REFUNDING ALL OR A PORTION OF CERTAIN OUTSTANDING BONDS OF THE COUNTY; MAKING PROVISION FOR THE ISSUANCE, SALE AND PAYMENT OF SAID BONDS; ESTABLISHING THE TERMS THEREOF AND THE DISPOSITION OF PROCEEDS THEREFROM; AND PROVIDING FOR THE LEVY OF TAXES FOR THE PAYMENT OF PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON THE BONDS.

WHEREAS, Rutherford County, Tennessee (the "County") has previously issued and there is currently outstanding General Obligation Refunding Bonds, Series 2004, dated November 1, 2004, maturing April 1, 2016 (the "Series 2004 Bonds"); and

WHEREAS, the County has previously issued and there is currently outstanding General Obligation School Refunding Bonds, Series 2005, dated February 1, 2005, maturing April 1, 2016 (the "Series 2005 Bonds"); and

WHEREAS, the County has previously issued and there is currently outstanding General Obligation School and Public Improvement Refunding Bonds, Series 2007, dated November 7, 2007, maturing April 1, 2016 through April 1, 2026, inclusive, and on April 1, 2028 (the "Series 2007 Bonds" and collectively with the Series 2004 Bonds and the Series 2005 Bonds, the "Outstanding Bonds"); and

WHEREAS, counties in Tennessee are authorized by Sections 9-21-101 et seq., Tennessee Code Annotated, to issue, by resolution, bonds to refund, redeem or make principal and interest payments on their previously issued bonds, notes or other obligations; and

WHEREAS, the Board of County Commissioners of the County has determined that the Outstanding Bonds can be refunded and will effect a cost savings to the public; and

WHEREAS, the plan of said refunding has been submitted to the Director of State and Local Finance as required by Section 9-21-903, Tennessee Code Annotated, and said report on the plan of refunding has been issued and is attached hereto as Exhibit A; and

WHEREAS, it is the intention of the Board of County Commissioners to adopt this resolution for the purpose of authorizing the issuance of general obligation refunding bonds, in one or more series, for the purpose of refunding all or a portion of the Outstanding Bonds, providing for the issuance, sale and payment of said bonds, establishing the terms thereof and the disposition of proceeds therefrom and providing for the levy of a tax for the payment of principal thereof, premium, if any, and interest thereon.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Rutherford County, Tennessee, as follows:

Section 1. Authority. The bonds authorized by this resolution are issued pursuant to Sections 9-21-101, et seq., Tennessee Code Annotated, and other applicable provisions of law.

Section 2. Definitions. The following terms shall have the following meanings in this resolution unless the text expressly or by necessary implication requires otherwise:

- (a) "Bonds" means General Obligation Refunding Bonds authorized herein;
- (c) "Book-Entry Form" or "Book-Entry System" means a form or system, as applicable, under which physical bond certificates in fully registered form are issued to a Depository, or to its nominee as Registered Owner, with the certificate of bonds being held by and "immobilized" in the custody of such Depository, and under which records maintained by persons, other than the County or the Registration Agent, constitute the written record that identifies, and records the transfer of, the beneficial "book-entry" interests in those bonds;
- (d) "Code" shall mean the Internal Revenue Code of 1986, as amended, and all regulations promulgated thereunder;
- (e) "County" shall mean Rutherford County, Tennessee;
- (f) "Depository" means any securities depository that is a clearing agency under federal laws operating and maintaining, with its participants or otherwise, a Book-Entry System, including, but not limited to, DTC;
- (g) "DTC" means the Depository Trust Company, a limited purpose company organized under the laws of the State of New York, and its successors and assigns;
- (h) "DTC Participant(s)" means securities brokers and dealers, banks, trust companies and clearing corporations that have access to the DTC System;
- (i) "Escrow Agent" means the escrow agent appointed by the County Mayor, or its successor;
- (j) "Financial Advisor" means Stephens Inc.,;
- (k) "Governing Body" means the Board of County Commissioners of the County;
- (l) "Outstanding Bonds" shall have the meaning set forth in the preamble hereto;
- (m) "Refunded Bonds" means the maturities or portions of maturities of the Outstanding Bonds designated by the County Mayor pursuant to Section 8 hereof;
- (n) "Refunding Escrow Agreement" shall mean the Refunding Escrow Agreement, dated as of the date of the Bonds, to be entered into by and between the County and the Escrow Agent, in the form of the document attached hereto and incorporated herein by this reference as Exhibit D, subject to such changes therein as shall be permitted by Section 11 hereof;
- (o) "Registration Agent" means the registration and paying agent for the Bonds appointed by the County Mayor pursuant to Section 4 hereof; and
- (p) "State Director" shall mean the Director of State and Local Finance for the State of Tennessee.

Section 3. Findings of the Governing Body; Compliance with Debt Management Policy.

- (a) The Governing Body hereby finds that the issuance and sale of the Bonds, as proposed herein, is consistent with the County's Debt Management Policy.

(b) Specifically, the Governing Body hereby finds that the issuance of the Bonds authorized by this resolution is advisable because it will result in the reduction in debt service payable by the County over the term of the Outstanding Bonds. The County's Debt Management Policy contemplates that the County may issue refunding bonds for the purpose of achieving aggregate net present value debt service savings to the County. The Governing Body finds that it is advantageous to issue the Bonds if a savings approximately three percent (3.00%) aggregate net present value savings can be achieved with respect to the issuance of the Bonds.

(c) Further, the County's Debt Management Policy contemplates that the County will, as a general rule, structure the term of any refunding bonds within the original term of the Refunded Bonds. The Bonds authorized herein will be structured so as not to materially extend beyond the original term of the Refunded Bonds. The Bonds will not have an optional redemption longer than approximately ten years from their date of issuance, subject to change by the County Mayor, as permitted by Section 8 hereof. Approximate debt service and approximated costs of issuance are attached hereto as Exhibit B, subject to change by the County Mayor, as permitted by Section 8 hereof.

Section 4. Authorization and Terms of the Bonds.

(a) For the purpose of providing funds to refund all or a portion of the Outstanding Bonds and pay the costs incident to the issuance and sale of the Bonds, as more fully set forth in Section 9 hereof, there are hereby authorized to be issued bonds, in one or more series, of the County in an aggregate principal amount sufficient to pay the principal of and interest on the Refunded Bonds and pay costs of issuance of the Bonds. The Bonds shall be issued in fully registered, book-entry only form (except as otherwise permitted herein), without coupons, shall be issued in one or more series, shall be known as "General Obligation Refunding Bonds" and shall have such series designation and dated date as shall be determined by the County Mayor pursuant to Section 8 hereof. The rate or rates on the Bonds shall not exceed the maximum interest rate permitted by applicable law at the time of the sale of the Bonds, or any series thereof. Subject to the adjustments permitted pursuant to Section 8 hereof, interest on the Bonds shall be payable semi-annually on April 1 and October 1 in each year, commencing October 1, 2015. The Bonds shall be issued initially in \$5,000 denominations or integral multiples thereof, as shall be requested by the original purchaser, and, subject to adjustment as permitted by Section 8 hereof, shall mature, either serially or through mandatory redemption on April 1 of each year, subject to prior optional redemption as hereinafter provided, either serially or through mandatory redemption, in the years 2016 through 2028, inclusive. Attached hereto as Exhibit B is a preliminary debt service estimate of the amortization of the Bonds; provided, however, such amortization may be adjusted in accordance with Section 8 hereof.

(b) Subject to adjustments permitted in Section 8 hereof, Bonds maturing on or before April 1, 2025 shall mature without option of prior redemption and Bonds maturing April 1, 2026 and thereafter, shall be subject to redemption prior to maturity at the option of the County on April 1, 2025 and thereafter, as a whole or in part at any time at the redemption price of par plus accrued interest to the redemption date.

If less than all of the Bonds within a single maturity shall be called for redemption, the interests within the maturity to be redeemed shall be selected as follows:

(i) if the Bonds are being held under a Book-Entry System by DTC, or a successor Depository, the Bonds to be redeemed shall be determined by DTC, or such successor Depository, by lot or such other manner as DTC, or such successor Depository, shall determine; or

(ii) if the Bonds are not being held under a Book-Entry System by DTC, or a successor Depository, the Bonds within the maturity to be redeemed shall be selected by the Registration Agent by lot or such other random manner as the Registration Agent in its discretion shall determine.

(e) Pursuant to Section 8 hereof, the County Mayor is authorized to sell the Bonds, or any maturities thereof, as term bonds ("Term Bonds") with mandatory redemption requirements corresponding to the maturities set forth herein or as determined by the County Mayor. In the event any or all the Bonds are sold as Term Bonds, the County shall redeem Term Bonds on redemption dates corresponding to the maturity dates set forth in Exhibit A, in aggregate principal amounts equal to the maturity amounts established pursuant to Section 8 hereof for each redemption date, as such maturity amounts may be adjusted pursuant to Section 8 hereof, at a price of par plus accrued interest thereon to the date of redemption. The Term Bonds to be redeemed within a single maturity shall be selected in the manner described in subsection (b) above.

At its option, to be exercised on or before the forty-fifth (45th) day next preceding any such mandatory redemption date, the County may (i) deliver to the Registration Agent for cancellation Bonds to be redeemed, in any aggregate principal amount desired, and/or (ii) receive a credit in respect of its redemption obligation under this mandatory redemption provision for any Bonds of the maturity to be redeemed which prior to said date have been purchased or redeemed (otherwise than through the operation of this mandatory sinking fund redemption provision) and canceled by the Registration Agent and not theretofore applied as a credit against any redemption obligation under this mandatory sinking fund provision. Each Bond so delivered or previously purchased or redeemed shall be credited by the Registration Agent at 100% of the principal amount thereof on the obligation of the County on such payment date and any excess shall be credited on future redemption obligations in chronological order, and the principal amount of Bonds to be redeemed by operation of this mandatory sinking fund provision shall be accordingly reduced. The County shall on or before the forty-fifth (45th) day next preceding each payment date furnish the Registration Agent with its certificate indicating whether or not and to what extent the provisions of clauses (i) and (ii) of this subsection are to be availed of with respect to such payment and confirm that funds for the balance of the next succeeding prescribed payment will be paid on or before the next succeeding payment date.

(d) Notice of call for redemption, whether optional or mandatory, shall be given by the Registration Agent on behalf of the County not less than thirty (30) nor more than sixty (60) days prior to the date fixed for redemption by sending an appropriate notice to the registered owners of the Bonds to be redeemed by first-class mail, postage prepaid, at the addresses shown on the Bond registration records of the Registration Agent as of the date of the notice; but neither failure to mail such notice nor any defect in any such notice so mailed shall affect the sufficiency of the proceedings for redemption of any of the Bonds for which proper notice was given. The notice may state that it is conditioned upon the deposit of moneys in an amount equal to the amount necessary to effect the redemption with the Registration Agent no later than the redemption date ("Conditional Redemption"). As long as DTC, or a successor Depository, is the registered owner of the Bonds, all redemption notices shall be mailed by the Registration Agent to DTC, or such successor Depository, as the registered owner of the Bonds, as and when above provided, and neither the County nor the Registration Agent shall be responsible for mailing notices of redemption to DTC Participants or Beneficial Owners. Failure of DTC, or any successor Depository, to provide notice to any DTC Participant or Beneficial Owner will not affect the validity of such redemption. The Registration Agent shall mail said notices as and when directed by the County pursuant to written instructions from an authorized representative of the County (other than for a mandatory sinking fund redemption, notices of which shall be given on the dates provided herein)

given at least forty-five (45) days prior to the redemption date (unless a shorter notice period shall be satisfactory to the Registration Agent). From and after the redemption date, all Bonds called for redemption shall cease to bear interest if funds are available at the office of the Registration Agent for the payment thereof and if notice has been duly provided as set forth herein. In the case of a Conditional Redemption, the failure of the County to make funds available in part or in whole on or before the redemption date shall not constitute an event of default, and the Registration Agent shall give immediate notice to the Depository or the affected Bondholders that the redemption did not occur and that the Bonds called for redemption and not so paid remain outstanding.

(e) The County Mayor is hereby authorized and directed to appoint the Registration Agent for the Bonds and the Registration Agent so appointed is authorized and directed to maintain Bond registration records with respect to the Bonds, to authenticate and deliver the Bonds as provided herein, either at original issuance or upon transfer, to effect transfers of the Bonds, to give all notices of redemption as required herein, to make all payments of principal and interest with respect to the Bonds as provided herein, to cancel and destroy Bonds which have been paid at maturity or upon earlier redemption or submitted for exchange or transfer, to furnish the County at least annually a certificate of destruction with respect to Bonds canceled and destroyed, and to furnish the County at least annually an audit confirmation of Bonds paid, Bonds outstanding and payments made with respect to interest on the Bonds. The County Mayor is hereby authorized to execute and the County Clerk is hereby authorized to attest such written agreement between the County and the Registration Agent as they shall deem necessary and proper with respect to the obligations, duties and rights of the Registration Agent. The payment of all reasonable fees and expenses of the Registration Agent for the discharge of its duties and obligations hereunder or under any such agreement is hereby authorized and directed.

(f) The Bonds shall be payable, both principal and interest, in lawful money of the United States of America at the main office of the Registration Agent. The Registration Agent shall make all interest payments with respect to the Bonds by check or draft on each interest payment date directly to the registered owners as shown on the Bond registration records maintained by the Registration Agent as of the close of business on the fifteenth day of the month next preceding the interest payment date (the "Regular Record Date") by depositing said payment in the United States mail, postage prepaid, addressed to such owners at their addresses shown on said Bond registration records, without, except for final payment, the presentation or surrender of such registered Bonds, and all such payments shall discharge the obligations of the County in respect of such Bonds to the extent of the payments so made. Payment of principal of and premium, if any, on the Bonds shall be made upon presentation and surrender of such Bonds to the Registration Agent as the same shall become due and payable. All rates of interest specified herein shall be computed on the basis of a three hundred sixty (360) day year composed of twelve (12) months of thirty (30) days each. In the event the Bonds are no longer registered in the name of DTC, or a successor Depository, if requested by the Owner of at least \$1,000,000 in aggregate principal amount of the Bonds, payment of interest on such Bonds shall be paid by wire transfer to a bank within the continental United States or deposited to a designated account if such account is maintained with the Registration Agent and written notice of any such election and designated account is given to the Registration Agent prior to the record date.

(g) Any interest on any Bond that is payable but is not punctually paid or duly provided for on any interest payment date (hereinafter "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Regular Record Date; and, in lieu thereof, such Defaulted Interest shall be paid by the County to the persons in whose names the Bonds are registered at the close of business on a date (the "Special Record Date") for the payment of such Defaulted Interest, which shall be fixed in the following manner: the County shall notify the Registration Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment, and at the same time the

County shall deposit with the Registration Agent an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Registration Agent for such deposit prior to the date of the proposed payment, such money when deposited to be held in trust for the benefit of the persons entitled to such Defaulted Interest as in this Section provided. Thereupon, not less than ten (10) days after the receipt by the Registration Agent of the notice of the proposed payment, the Registration Agent shall fix a Special Record Date for the payment of such Defaulted Interest which Date shall be not more than fifteen (15) nor less than ten (10) days prior to the date of the proposed payment to the registered owners. The Registration Agent shall promptly notify the County of such Special Record Date and, in the name and at the expense of the County, not less than ten (10) days prior to such Special Record Date, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each registered owner at the address thereof as it appears in the Bond registration records maintained by the Registration Agent as of the date of such notice. Nothing contained in this Section or in the Bonds shall impair any statutory or other rights in law or in equity of any registered owner arising as a result of the failure of the County to punctually pay or duly provide for the payment of principal of, premium, if any, and interest on the Bonds when due.

(h) The Bonds are transferable only by presentation to the Registration Agent by the registered owner, or his legal representative duly authorized in writing, of the registered Bond(s) to be transferred with the form of assignment on the reverse side thereof completed in full and signed with the name of the registered owner as it appears upon the face of the Bond(s) accompanied by appropriate documentation necessary to prove the legal capacity of any legal representative of the registered owner. Upon receipt of the Bond(s) in such form and with such documentation, if any, the Registration Agent shall issue a new Bond or the Bond to the assignee(s) in \$5,000 denominations, or integral multiples thereof, as requested by the registered owner requesting transfer. The Registration Agent shall not be required to transfer or exchange any Bond during the period commencing on a Regular or Special Record Date and ending on the corresponding interest payment date of such Bond, nor to transfer or exchange any Bond after the publication of notice calling such Bond for redemption has been made, nor to transfer or exchange any Bond during the period following the receipt of instructions from the County to call such Bond for redemption; provided, the Registration Agent, at its option, may make transfers after any of said dates. No charge shall be made to any registered owner for the privilege of transferring any Bond, provided that any transfer tax relating to such transaction shall be paid by the registered owner requesting transfer. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and neither the County nor the Registration Agent shall be affected by any notice to the contrary whether or not any payments due on the Bonds shall be overdue. The Bonds, upon surrender to the Registration Agent, may, at the option of the registered owner, be exchanged for an equal aggregate principal amount of the Bonds of the same maturity in any authorized denomination or denominations.

(i) The Bonds shall be executed in such manner as may be prescribed by applicable law, in the name, and on behalf, of the County with the manual or facsimile signature of the County Mayor and with the official seal, or a facsimile thereof, of the County impressed or imprinted thereon and attested by the manual or facsimile signature of the County Clerk.

(j) Except as otherwise provided in Section 8 hereof, the Bonds shall be registered in the name of Cede & Co., as nominee of DTC, which will act as securities depository for the Bonds. References in this Section to a Bond or the Bonds shall be construed to mean the Bond or the Bonds that are held under the Book-Entry System. One Bond for each maturity shall be issued to DTC and immobilized in its custody. A Book-Entry System shall be employed, evidencing ownership of the Bonds in authorized denominations, with transfers of beneficial ownership effected on the records of DTC and the DTC Participants pursuant to rules and procedures established by DTC.

Each DTC Participant shall be credited in the records of DTC with the amount of such DTC Participant's interest in the Bonds. Beneficial ownership interests in the Bonds may be purchased by or through DTC Participants. The holders of these beneficial ownership interests are hereinafter referred to as the "Beneficial Owners." The Beneficial Owners shall not receive the Bonds representing their beneficial ownership interests. The ownership interests of each Beneficial Owner shall be recorded through the records of the DTC Participant from which such Beneficial Owner purchased its Bonds. Transfers of ownership interests in the Bonds shall be accomplished by book entries made by DTC and, in turn, by DTC Participants acting on behalf of Beneficial Owners. SO LONG AS CEDE & CO., AS NOMINEE FOR DTC, IS THE REGISTERED OWNER OF THE BONDS, THE REGISTRATION AGENT SHALL TREAT CEDE & CO., AS THE ONLY HOLDER OF THE BONDS FOR ALL PURPOSES UNDER THIS RESOLUTION, INCLUDING RECEIPT OF ALL PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON THE BONDS, RECEIPT OF NOTICES, VOTING AND REQUESTING OR DIRECTING THE REGISTRATION AGENT TO TAKE OR NOT TO TAKE, OR CONSENTING TO, CERTAIN ACTIONS UNDER THIS RESOLUTION.

Payments of principal, interest, and redemption premium, if any, with respect to the Bonds, so long as DTC is the only owner of the Bonds, shall be paid by the Registration Agent directly to DTC or its nominee, Cede & Co. as provided in the Letter of Representation relating to the Bonds from the County and the Registration Agent to DTC (the "Letter of Representation"). DTC shall remit such payments to DTC Participants, and such payments thereafter shall be paid by DTC Participants to the Beneficial Owners. The County and the Registration Agent shall not be responsible or liable for payment by DTC or DTC Participants, for sending transaction statements or for maintaining, supervising or reviewing records maintained by DTC or DTC Participants.

In the event that (1) DTC determines not to continue to act as securities depository for the Bonds or (2) the County determines that the continuation of the Book-Entry System of evidence and transfer of ownership of the Bonds would adversely affect their interests or the interests of the Beneficial Owners of the Bonds, the County shall discontinue the Book-Entry System with DTC. If the County fails to identify another qualified securities depository to replace DTC, the County shall cause the Registration Agent to authenticate and deliver replacement Bonds in the form of fully registered Bonds to each Beneficial Owner.

THE COUNTY AND THE REGISTRATION AGENT SHALL NOT HAVE ANY RESPONSIBILITY OR OBLIGATIONS TO ANY DTC PARTICIPANT OR ANY BENEFICIAL OWNER WITH RESPECT TO (i) THE BONDS; (ii) THE ACCURACY OF ANY RECORDS MAINTAINED BY DTC OR ANY DTC PARTICIPANT; (iii) THE PAYMENT BY DTC OR ANY DTC PARTICIPANT OF ANY AMOUNT DUE TO ANY BENEFICIAL OWNER IN RESPECT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS; (iv) THE DELIVERY OR TIMELINESS OF DELIVERY BY DTC OR ANY DTC PARTICIPANT OF ANY NOTICE DUE TO ANY BENEFICIAL OWNER THAT IS REQUIRED OR PERMITTED UNDER THE TERMS OF THIS RESOLUTION TO BE GIVEN TO BENEFICIAL OWNERS, (v) THE SELECTION OF BENEFICIAL OWNERS TO RECEIVE PAYMENTS IN THE EVENT OF ANY PARTIAL REDEMPTION OF THE BONDS; OR (vi) ANY CONSENT GIVEN OR OTHER ACTION TAKEN BY DTC, OR ITS NOMINEE, CEDE & CO., AS OWNER.

(k) The Registration Agent is hereby authorized to take such action as may be necessary from time to time to qualify and maintain the Bonds for deposit with DTC, including but not limited to, wire transfers of interest and principal payments with respect to the Bonds, utilization of electronic book entry data received from DTC in place of actual delivery of Bonds and provision of notices with respect to Bonds registered by DTC (or any of its designees identified to the Registration Agent) by overnight

delivery, courier service, telegram, teletype or other similar means of communication. No such arrangements with DTC may adversely affect the interest of any of the owners of the Bonds, provided, however, that the Registration Agent shall not be liable with respect to any such arrangements it may make pursuant to this section.

(l) The Registration Agent is hereby authorized to authenticate and deliver the Bonds to the original purchaser, upon receipt by the County of the proceeds of the sale thereof and to authenticate and deliver Bonds in exchange for Bonds of the same principal amount delivered for transfer upon receipt of the Bond(s) to be transferred in proper form with proper documentation as hereinabove described. The Bonds shall not be valid for any purpose unless authenticated by the Registration Agent by the manual signature of an officer thereof on the certificate set forth herein on the Bond form.

(m) In case any Bond shall become mutilated, or be lost, stolen, or destroyed, the County, in its discretion, shall issue, and the Registration Agent, upon written direction from the County, shall authenticate and deliver, a new Bond of like tenor, amount, maturity and date, in exchange and substitution for, and upon the cancellation of, the mutilated Bond, or in lieu of and in substitution for such lost, stolen or destroyed Bond, or if any such Bond shall have matured or shall be about to mature, instead of issuing a substituted Bond the County may pay or authorize payment of such Bond without surrender thereof. In every case the applicant shall furnish evidence satisfactory to the County and the Registration Agent of the destruction, theft or loss of such Bond, and indemnity satisfactory to the County and the Registration Agent; and the County may charge the applicant for the issue of such new Bond an amount sufficient to reimburse the County for the expense incurred by it in the issue thereof.

Section 5. Source of Payment. The Bonds shall be payable from and secured by unlimited ad valorem taxes to be levied on all taxable property within the County.

Section 6. Form of Bonds. The Bonds shall be in substantially the following form, the omissions to be appropriately completed when the Bonds are prepared and delivered:

(Form of Face of Bond)

REGISTERED
Number _____

REGISTERED
\$ _____

UNITED STATES OF AMERICA
STATE OF TENNESSEE
COUNTY OF RUTHERFORD
GENERAL OBLIGATION REFUNDING BOND, SERIES _____

Interest Rate: Maturity Date: Date of Bond: CUSIP No.:

Registered Owner: CEDE & CO.

Principal Amount:

FOR VALUE RECEIVED, Rutherford County, Tennessee (the "County") hereby promises to pay to the registered owner hereof, hereinabove named, or registered assigns, in the manner hereinafter provided, the principal amount hereinabove set forth on the maturity date hereinabove set forth (or upon earlier redemption as set forth herein), and to pay interest (computed on the basis of a 360-day year of twelve 30-day months) on said principal amount at the annual rate of interest hereinabove set forth from

the date hereof until said maturity date or redemption date, said interest being payable on [October 1, 2015], and semi-annually thereafter on the first day of April and October in each year until this Bond matures or is redeemed. Both principal hereof and interest hereon are payable in lawful money of the United States of America by check or draft at the principal corporate trust office of _____, as registration agent and paying agent (the "Registration Agent"). The Registration Agent shall make all interest payments with respect to this Bond on each interest payment date directly to the registered owner hereof shown on the Bond registration records maintained by the Registration Agent as of the close of business on the fifteenth day of the month next preceding the interest payment date (the "Regular Record Date") by check or draft mailed to such owner at such owner's address shown on said Bond registration records, without, except for final payment, the presentation or surrender of this Bond, and all such payments shall discharge the obligations of the County to the extent of the payments so made. Any such interest not so punctually paid or duly provided for on any interest payment date shall forthwith cease to be payable to the registered owner on the relevant Regular Record Date; and, in lieu thereof, such defaulted interest shall be payable to the person in whose name this Bond is registered at the close of business on the date (the "Special Record Date") for payment of such defaulted interest to be fixed by the Registration Agent, notice of which shall be given to the owners of the Bonds of the issue of which this Bond is one not less than ten (10) days prior to such Special Record Date. Payment of principal of [and premium, if any, on] this Bond shall be made when due upon presentation and surrender of this Bond to the Registration Agent.

Except as otherwise provided herein or in the Resolution, as hereinafter defined, this Bond shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the Bonds of the series of which this Bond is one. One Bond for each maturity of the Bonds shall be issued to DTC and immobilized in its custody. A book-entry system shall be employed, evidencing ownership of the Bonds in \$5,000 denominations, or multiples thereof, with transfers of beneficial ownership effected on the records of DTC and the DTC Participants, as defined in the Resolution, pursuant to rules and procedures established by DTC. So long as Cede & Co., as nominee for DTC, is the registered owner of the Bonds, the County and the Registration Agent shall treat Cede & Co., as the only owner of the Bonds for all purposes under the Resolution, including receipt of all principal of, [premium, if any,] and interest on the Bonds, receipt of notices, voting and requesting or taking or not taking, or consenting to, certain actions hereunder. Payments of principal and interest [and redemption premium, if any,] with respect to the Bonds, so long as DTC is the only owner of the Bonds, shall be paid directly to DTC or its nominee, Cede & Co. DTC shall remit such payments to DTC Participants, and such payments thereafter shall be paid by DTC Participants to the Beneficial Owners, as defined in the Resolution. Neither the County nor the Registration Agent shall be responsible or liable for payment by DTC or DTC Participants, for sending transaction statements or for maintaining, supervising or reviewing records maintained by DTC or DTC Participants. In the event that (1) DTC determines not to continue to act as securities depository for the Bonds or (2) the County determines that the continuation of the book-entry system of evidence and transfer of ownership of the Bonds would adversely affect its interests or the interests of the Beneficial Owners of the Bonds, the County may discontinue the book-entry system with DTC. If the County fails to identify another qualified securities depository to replace DTC, the County shall cause the Registration Agent to authenticate and deliver replacement Bonds in the form of fully registered Bonds to each Beneficial Owner. Neither the County nor the Registration Agent shall have any responsibility or obligations to any DTC Participant or any Beneficial Owner with respect to (i) the Bonds; (ii) the accuracy of any records maintained by DTC or any DTC Participant; (iii) the payment by DTC or any DTC Participant of any amount due to any Beneficial Owner in respect of the principal or maturity amounts of and interest on the Bonds; (iv) the delivery or timeliness of delivery by DTC or any DTC Participant of any notice due to any Beneficial Owner that is required or permitted under the terms of the Resolution to be given to Beneficial Owners, (v) the selection of Beneficial Owners to receive payments

in the event of any partial redemption of the Bonds; or (vi) any consent given or other action taken by DTC, or its nominee, Cede & Co., as owner.

[Bonds of the issue of which this Bond is one maturing April 1, ____ through April 1, ____, inclusive, shall mature without option of prior redemption, and Bonds maturing April 1, ____ and thereafter shall be subject to redemption prior to maturity at the option of the County on April 1, ____ and thereafter, as a whole or in part, at any time, at the redemption price of par plus interest accrued to the redemption date.

If less than all the Bonds shall be called for redemption, the maturities to be redeemed shall be designated by the Board of County Commissioners of the County, in its discretion. If less than all the principal amount of the Bonds of a maturity shall be called for redemption, the interests within the maturity to be redeemed shall be selected as follows:

- (i) if the Bonds are being held under a Book-Entry System by DTC, or a successor Depository, the amount of the interest of each DTC Participant in the Bonds to be redeemed shall be determined by DTC, or such successor Depository, by lot or such other manner as DTC, or such successor Depository, shall determine; or
- (ii) if the Bonds are not being held under a Book-Entry System by DTC, or a successor Depository, the Bonds within the maturity to be redeemed shall be selected by the Registration Agent by lot or such other random manner as the Registration Agent in its discretion shall determine.

[Subject to the credit hereinafter provided, the County shall redeem Bonds maturing _____ on the redemption dates set forth below opposite the maturity dates, in aggregate principal amounts equal to the respective dollar amounts set forth below opposite the respective redemption dates at a price of par plus accrued interest thereon to the date of redemption. DTC, as securities depository for the series of Bonds of which this Bond is one, or such Person as shall then be serving as the securities depository for the Bonds, shall determine the interest of each Participant in the Bonds to be redeemed using its procedures generally in use at that time. If DTC, or another securities depository is no longer serving as securities depository for the Bonds, the Bonds to be redeemed within a maturity shall be selected by the Registration Agent by lot or such other random manner as the Registration Agent in its discretion shall select. The dates of redemption and principal amount of Bonds to be redeemed on said dates are as follows:

<u>Final</u> <u>Maturity</u>	<u>Redemption</u> <u>Date</u>	<u>Principal Amount</u> <u>of Bonds</u> <u>Redeemed</u>
---------------------------------	----------------------------------	---

*Final Maturity

At its option, to be exercised on or before the forty-fifth (45th) day next preceding any such redemption date, the County may (i) deliver to the Registration Agent for cancellation Bonds to be redeemed, in any aggregate principal amount desired, and/or (ii) receive a credit in respect of its

redemption obligation under this mandatory redemption provision for any Bonds of the maturity to be redeemed which prior to said date have been purchased or redeemed (otherwise than through the operation of this mandatory sinking fund redemption provision) and canceled by the Registration Agent and not theretofore applied as a credit against any redemption obligation under this mandatory sinking fund provision. Each Bond so delivered or previously purchased or redeemed shall be credited by the Registration Agent at 100% of the principal amount thereof on the obligation of the County on such payment date and any excess shall be credited on future redemption obligations in chronological order, and the principal amount of Bonds to be redeemed by operation of this mandatory sinking fund provision shall be accordingly reduced. The County shall on or before the forty-fifth (45th) day next preceding each payment date furnish the Registration Agent with its certificate indicating whether or not and to what extent the provisions of clauses (i) and (ii) of this subsection are to be availed of with respect to such payment and confirm that funds for the balance of the next succeeding prescribed payment will be paid on or before the next succeeding payment date.]

Notice of call for redemption[, whether optional or mandatory,] shall be given by the Registration Agent not less than thirty (30) nor more than sixty (60) days prior to the date fixed for redemption by sending an appropriate notice to the registered owners of the Bonds to be redeemed by first-class mail, postage prepaid, at the addresses shown on the Bond registration records of the Registration Agent as of the date of the notice; but neither failure to mail such notice nor any defect in any such notice so mailed shall affect the sufficiency of the proceedings for the redemption of any of the Bonds for which proper notice was given. The notice may state that it is conditioned upon the deposit of moneys in an amount equal to the amount necessary to effect the redemption with the Registration Agent no later than the redemption date ("Conditional Redemption"). As long as DTC, or a successor Depository, is the registered owner of the Bonds, all redemption notices shall be mailed by the Registration Agent to DTC, or such successor Depository, as the registered owner of the Bonds, as and when above provided, and neither the County nor the Registration Agent shall be responsible for mailing notices of redemption to DTC Participants or Beneficial Owners. Failure of DTC, or any successor Depository, to provide notice to any DTC Participant will not affect the validity of such redemption. From and after any redemption date, all Bonds called for redemption shall cease to bear interest if funds are available at the office of the Registration Agent for the payment thereof and if notice has been duly provided as set forth in the Resolution, as hereafter defined. In the case of a Conditional Redemption, the failure of the County to make funds available in part or in whole on or before the redemption date shall not constitute an event of default, and the Registration Agent shall give immediate notice to the Depository or the affected Bondholders that the redemption did not occur and that the Bonds called for redemption and not so paid remain outstanding.]

This Bond is transferable by the registered owner hereof in person or by such owner's attorney duly authorized in writing at the principal corporate trust office of the Registration Agent set forth on the front side hereof, but only in the manner, subject to limitations and upon payment of the charges provided in the Resolution, as hereafter defined, and upon surrender and cancellation of this Bond. Upon such transfer a new Bond or Bonds of authorized denominations of the same maturity and interest rate for the same aggregate principal amount will be issued to the transferee in exchange therefor. The person in whose name this Bond is registered shall be deemed and regarded as the absolute owner thereof for all purposes and neither the County nor the Registration Agent shall be affected by any notice to the contrary whether or not any payments due on the Bond shall be overdue. Bonds, upon surrender to the Registration Agent, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of the Bonds of the same maturity in authorized denomination or denominations, upon the terms set forth in the Resolution. The Registration Agent shall not be required to transfer or exchange any Bond during the period commencing on a Regular Record Date or Special Record Date and ending on the corresponding interest payment date of such Bond[, nor to transfer or

exchange any Bond after the notice calling such Bond for redemption has been made, nor during a period following the receipt of instructions from the County to call such Bond for redemption].



This Bond is one of a total authorized issue aggregating \$_____ and issued by the County for the purpose of providing funds to refund the County's outstanding General Obligation Refunding Bonds, Series 2004, dated November 1, 2004, maturing April 1, 2016, General Obligation School Refunding Bonds, Series 2005, dated February 1, 2005, maturing April 1, 2016, and General Obligation School and Public Improvement Bonds, Series 2007, dated November 7, 2007, maturing April 1, [2016 through April 1, 2026, and on April 1, 2028], under and in full compliance with the constitution and statutes of the State of Tennessee, including Sections 9-21-101, et seq., Tennessee Code Annotated, and pursuant to a resolution duly adopted by the Board of County Commissioners of the County on February 12, 2015 (the "Resolution").

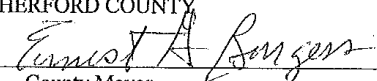
This Bond is payable from unlimited ad valorem taxes to be levied on all taxable property located within the County. For the prompt payment of principal of, premium, if any, and interest on this Bond, the full faith and credit of the County are irrevocably pledged. For a more complete statement of the general covenants and provisions pursuant to which this Bond is issued, reference is hereby made to said Resolution.

This Bond and the income therefrom are exempt from all present state, county and municipal taxes in Tennessee except (a) inheritance, transfer and estate taxes, (b) Tennessee excise taxes on interest on the Bond during the period the Bond is held or beneficially owned by any organization or entity, other than a sole proprietorship or general partnership, doing business in the State of Tennessee, and (c) Tennessee franchise taxes by reason of the inclusion of the book value of the Bond in the Tennessee franchise tax base of any organization or entity, other than a sole proprietorship or general partnership, doing business in the State of Tennessee.

It is hereby certified, recited, and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Bond exist, have happened and have been performed in due time, form and manner as required by law, and that the amount of this Bond, together with all other indebtedness of the County, does not exceed any limitation prescribed by the constitution and statutes of the State of Tennessee.

IN WITNESS WHEREOF, the County has caused this Bond to be signed by its County Mayor with his manual or facsimile signature and attested by its County Clerk with her manual or facsimile signature under an impression or facsimile of the corporate seal of the County, all as of the date hereinabove set forth.

(SEAL)  ATTESTED: 
County Clerk

RUTHERFORD COUNTY
BY: 
County Mayor

Transferable and payable at the principal corporate trust office of: _____

Date of Registration: _____

This Bond is one of the issue of Bonds issued pursuant to the Resolution hereinabove described.

Registration Agent

By: _____
Authorized Officer

(FORM OF ASSIGNMENT)

FOR VALUE RECEIVED, the undersigned sells, assigns, and transfers unto _____, whose address is _____ (Please insert Federal Identification or Social Security Number of Assignee _____), the within Bond of Rutherford County, Tennessee, and does hereby irrevocably constitute and appoint _____, attorney, to transfer the said Bond on the records kept for registration thereof with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name of the registered owner as it appears on the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

Signature guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of a Medallion Program acceptable to the Registration Agent.

Section 7. Pledge of Net Revenues and Levy of Tax. The County, through its Governing Body, shall annually levy and collect a tax upon all taxable property within the County, in addition to all other taxes authorized by law, sufficient to pay principal of, premium, if any, and interest on the Bonds when due, and for that purpose there is hereby levied a direct annual tax in such amount as may be found necessary each year to pay principal and interest coming due on the Bonds in said year. Principal and interest falling due at any time when there are insufficient funds from this tax levy on hand shall be paid from the current funds of the County and reimbursement therefor shall be made out of the taxes hereby provided to be levied when the same shall have been collected. The tax herein provided may be reduced to the extent of any appropriations from other funds, taxes and revenues of the County, to the payment of debt service on the Bonds.

Section 8. Sale of Bonds.

(a) The Bonds shall be offered for public sale, as required by law, in one or more series, at a price of not less than ninety-nine percent (99%) of par, plus accrued interest, as a whole or in part from time to time as shall be determined by the County Mayor.

(b) The Bonds, or any series thereof, shall be sold by delivery of bids via physical delivery, mail, fax, or telephone or by electronic bidding means of an Internet bidding service as shall be determined by the County Mayor.

(c) If the Bonds are sold in more than one series, the County Mayor is authorized to cause to be sold in each series an aggregate principal amount of Bonds less than that shown in Section 4 hereof for each series, so long as the total aggregate principal amount of all series issued does not exceed the total aggregate of Bonds necessary to refund the Refunded Bonds.

(d) The County Mayor is further authorized with respect to each series of Bonds to:

(1) change the dated date of the Bonds or any series thereof, to a date other than the date of issuance of the Bonds;

(2) change the designation of the Bonds, or any series thereof, to a designation other than "General Obligation Refunding Bonds" and to specify the series designation of the Bonds, or any series thereof;

(3) change the first interest payment date on the Bonds or any series thereof to a date other than October 1, 2015, provided that such date is not later than twelve months from the dated date of such series of Bonds;

(4) adjust the principal and interest payment dates and the maturity amounts of the Bonds, or any series thereof, provided that (A) the total principal amount of all series of the Bonds does not exceed the total amount of Bonds necessary to refund the Refunded Bonds; and (B) the final maturity date of each series shall not exceed the end of the fiscal year of the final maturity of the Outstanding Bonds refunded by such series;

(5) adjust the County's optional redemption provisions of the Bonds by making the Bonds non-callable prior to maturity, or callable on such other dates and at other redemption prices, provided that the premium amount to be paid on Bonds or any series thereof does not exceed two percent (2%) of the principal amount thereof;

(6) to refinance less than all of the Outstanding Bonds to maximize the objectives of refinancing the Outstanding Bonds;

(7) sell the Bonds, or any series thereof, or any maturities thereof as Term Bonds with mandatory redemption requirements corresponding to the maturities set forth herein or as otherwise determined by the County Mayor, as he shall deem most advantageous to the County; and

(8) to cause all or a portion of the Bonds to be insured by a bond insurance policy issued by a nationally recognized bond insurance company if such insurance is requested and paid for by the winning bidder of the Bonds, or any series thereof.

(c) the remainder of the proceeds of the sale of the Bonds shall be used to pay the costs of issuance of the Bonds, including necessary legal, accounting and fiscal expenses, printing, engraving, advertising and similar expenses, bond insurance premium, if any, administrative and clerical costs, rating agency fees, Registration Agent fees, and other miscellaneous expenses incurred in connection with the issuance and sale of the Bonds.

(d) In accordance with state law, the various department heads responsible for the fund or funds receiving and disbursing funds are hereby authorized to amend the budget of the proper fund or funds for the receipt of proceeds from the issuance of the obligations authorized by this resolution including bond and note proceeds, accrued interest, reoffering premium and other receipts from this transaction. The department heads responsible for the fund or funds are further authorized to amend the proper budgets to reflect the appropriations and expenditures of the receipts authorized by this resolution.

Section 10. Official Statement. The County Mayor and the Finance Director, or either of them, are hereby authorized and directed to provide for the preparation and distribution, which may include electronic distribution, of a Preliminary Official Statement describing the Bonds. After bids have been received and the Bonds have been awarded, the County Mayor and the Finance Director, or either of them, shall make such completions, omissions, insertions and changes in the Preliminary Official Statement not inconsistent with this resolution as are necessary or desirable to complete it as a final Official Statement for purposes of Rule 15c2-12(e)(3) of the Securities and Exchange Commission. The County Mayor and the Finance Director, or either of them, shall arrange for the delivery to the successful bidder on the Bonds of a reasonable number of copies of the Official Statement within seven business days after the Bonds have been awarded for delivery, by the successful bidder on the Bonds, to each potential investor requesting a copy of the Official Statement and to each person to whom such bidder and members of his bidding group initially sell the Bonds.

The County Mayor and the Finance Director, or either of them, are authorized, on behalf of the County, to deem the Preliminary Official Statement and the Official Statement in final form, each to be final as of its date within the meaning of Rule 15c2-12(b)(1), except for the omission in the Preliminary Official Statement of certain pricing and other information allowed to be omitted pursuant to such Rule 15c2-12(b)(1). The distribution of the Preliminary Official Statement and the Official Statement in final form shall be conclusive evidence that each has been deemed in final form as of its date by the County except for the omission in the Preliminary Official Statement of such pricing and other information.

If the winning bidder or its purchaser or assignee does not intend to reoffer the Bonds to the public as evidenced by a certificate executed by the winning bidder and/or its purchaser or assignee, then an Official Statement is authorized, but not required, as shall be determined by the County Mayor in consultation with the Financial Advisor and Bond Counsel.

Section 11. Refunding Escrow Agreement. For the purpose of providing for the payment of the principal of, premium, if any, and interest on the Refunded Bonds, the County Mayor is hereby authorized and directed to execute and the County Clerk to attest on behalf of the County the Refunding Escrow Agreement with the Escrow Agent and to deposit with the Escrow Agent the amounts to be used by the Escrow Agent to purchase Government Securities as provided therein; provided, however, that the yield on such investments shall be determined in such manner that none of the Bonds will be an "arbitrage bond" within the meaning of Section 148 (a) of the Code. The form of the Refunding Escrow Agreement presented to this meeting and attached hereto as Exhibit D is hereby in all respects approved and the County Mayor and the County Clerk are hereby authorized and directed to execute and deliver same on behalf of the County in substantially the form thereof presented to this meeting, or with such changes as may be approved by the County Mayor and County Clerk, their execution thereof to constitute conclusive evidence of their approval of all such changes. The Escrow Agent is hereby authorized and directed to

hold and administer all funds deposited in trust for the payment when due of principal of, premium, if any, and interest on the Refunded Bonds and to exercise such duties as set forth in the Refunding Escrow Agreement.

Section 12. Notice of Refunding and Notice of Redemption. Prior to the issuance of the Bonds, or any series thereof, if required, notice of the County's intention to refund the Refunded Bonds, shall be given by the registration agent for the Refunded Bonds to be mailed by first-class mail, postage prepaid, to the registered holders thereof, as of the date of the notice, as shown on the bond registration records maintained by such registration agent of said Refunded Bonds. Such notice shall be in the form consistent with applicable law. Prior to the issuance of the Bonds, or any series thereof, if required, notice of the County's intention to redeem any portion of the Refunded Bonds, shall be given by the registration agent for the Refunded Bonds to be mailed by first-class mail, postage prepaid, to the registered holders thereof, as of the date of the notice, as shown on the bond registration records maintained by such registration agent of said Refunded Bonds. Such notice shall be in the form consistent with the resolution authorizing such Refunded Bonds. The County Mayor and the County Clerk, or either of them, is hereby authorized and directed to authorize the registration agent of said Refunded Bonds to give such notices on behalf of the County in accordance with this Section.

Section 13. Tax Matters. The County recognizes that the purchasers and owners of each series of the Bonds will have accepted them on, and paid therefor a price that reflects, the understanding that interest thereon is excludable from gross income for purposes of federal income taxation under laws in force on the date of delivery of such Bonds. In this connection, the County agrees that it shall take no action which may cause the interest on any Bonds to be included in gross income for federal income taxation. It is the reasonable expectation of the Governing Body of the County that the proceeds of the Bonds will not be used in a manner which will cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code, and to this end the said proceeds of each series of the Bonds and other related funds established for the purposes herein set out shall be used and spent expeditiously for the purposes described herein. The Governing Body further covenants and represents that in the event it shall be required by Section 148(f) of the Code to pay any investment proceeds of the Bonds to the United States government, it will make such payments as and when required by said Section 148(f) and will take such other actions as shall be necessary or permitted to prevent the interest on the Bonds from becoming taxable. The County Mayor, the County Clerk and the Finance Director, or any of them, are authorized and directed to make such certifications in this regard in connection with the sale of the Bonds as either or both shall deem appropriate, and such certifications shall constitute a representation and certification of the County. Following the issuance of the Bonds, the Finance Director is directed to administer the County's Federal Tax Compliance Policies and Procedures with respect to the Bonds.

Section 14. Discharge and Satisfaction of Bonds. If the County shall pay and discharge the indebtedness evidenced by any of the Bonds in any one or more of the following ways, to wit:

(a) By paying or causing to be paid, by deposit of sufficient funds as and when required with the Registration Agent, the principal of and interest on such Bonds as and when the same become due and payable;

(b) By depositing or causing to be deposited with any trust company or financial institution whose deposits are insured by the Federal Deposit Insurance Corporation or similar federal agency and which has trust powers ("an Agent"; which Agent may be the Registration Agent) in trust or escrow, on or before the date of maturity or redemption, sufficient money or Federal Obligations, as hereafter defined, the principal of and interest on which, when due and payable, will provide sufficient moneys to pay or redeem such Bonds and to pay interest thereon when due until the maturity or redemption date (provided,

if such Bonds are to be redeemed prior to maturity thereof, proper notice of such redemption shall have been given or adequate provision shall have been made for the giving of such notice);

(c) By delivering such Bonds to the Registration Agent, for cancellation by it;

and if the County shall also pay or cause to be paid all other sums payable hereunder by the County with respect to such Bonds, or make adequate provision therefor, and by resolution of the Governing Body instruct any such Agent to pay amounts when and as required to the Registration Agent for the payment of principal of and interest on such Bonds when due, then and in that case the indebtedness evidenced by such Bonds shall be discharged and satisfied and all covenants, agreements and obligations of the County to the holders of such Bonds shall be fully discharged and satisfied and shall thereupon cease, terminate and become void.

If the County shall pay and discharge the indebtedness evidenced by any of the Bonds in the manner provided in either clause (a) or clause (b) above, then the registered owners thereof shall thereafter be entitled only to payment out of the money or Federal Obligations deposited as aforesaid.

Except as otherwise provided in this Section, neither Federal Obligations nor moneys deposited with the Registration Agent pursuant to this Section nor principal or interest payments on any such Federal Obligations shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the principal and interest on said Bonds; provided that any cash received from such principal or interest payments on such Federal Obligations deposited with the Registration Agent, (A) to the extent such cash will not be required at any time for such purpose, shall be paid over to the County as received by the Registration Agent and (B) to the extent such cash will be required for such purpose at a later date, shall, to the extent practicable, be reinvested in Federal Obligations maturing at times and in amounts sufficient to pay when due the principal and interest to become due on said Bonds on or prior to such redemption date or maturity date thereof, as the case may be, and interest earned from such reinvestments shall be paid over to the County, as received by the Registration Agent. For the purposes of this Section, Federal Obligations shall mean direct obligations of, or obligations, the principal of and interest on which are guaranteed by, the United States of America, or any agency thereof, obligations of any agency or instrumentality of the United States or any other obligations at the time of the purchase thereof are permitted investments under Tennessee Law for the purposes described in this Section, which bonds or other obligations shall not be subject to redemption prior to their maturity other than at the option of the registered owner thereof.

Section 15. Continuing Disclosure. The County hereby covenants and agrees that it will provide annual financial information and material event notices as required by Rule 15c2-12 of the Securities Exchange Commission for the Bonds. The County Mayor is authorized to execute at the Closing of the sale of the Bonds, an agreement for the benefit of and enforceable by the owners of the Bonds specifying the details of the financial information and material event notices to be provided and its obligations relating thereto. Failure of the County to comply with the undertaking herein described and to be detailed in said closing agreement, shall not be a default hereunder, but any such failure shall entitle the owner or owners of any of the Bonds to take such actions and to initiate such proceedings as shall be necessary and appropriate to cause the County to comply with their undertaking as set forth herein and in said agreement, including the remedies of mandamus and specific performance.


Section 16. Resolution a Contract. The provisions of this resolution shall constitute a contract between the County and the registered owners of the Bonds, and after the issuance of the Bonds, no change, variation or alteration of any kind in the provisions of this resolution shall be made in any manner until such time as the Bonds and interest due thereon shall have been paid in full.

Section 17. Separability. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

Section 18. Repeal of Conflicting Resolutions and Effective Date. All other resolutions and orders, or parts thereof, in conflict with the provisions of this resolution are, to the extent of such conflict, hereby repealed and this resolution shall be in immediate effect from and after its adoption.

Adopted and approved this 12th day of February, 2015.


County Mayor

ATTEST:

County Clerk

MOTION

Commissioner Will Jordan moved, second by Commissioner Robert Peay, to approve the authorization for the issuance of General Obligation Refunding Bonds.

UPON ROLL CALL, THE FOLLOWING COMMISSIONERS VOTED:

Doug Shafer – aye
Steve Pearcy – aye
Will Jordan – aye
Robert Peay – aye
Carol Cook – aye
Joe Frank Jernigan – aye
Mike Kusch – aye
Pettus Read – aye
Joe Gourley – aye
Brad Turner – aye
Chantho Sourinho – aye

Rhonda Allen – aye
Robert Stevens – aye
Paul Johnson – aye
Charlie Baum – aye
David Nipper – aye
Phil Dodd – aye
Jeff Phillips – aye
Allen McAdoo – aye
Shawn Kaplan – aye
Trey Gooch – aye

MOTION ADOPTED BY ROLL CALL VOTE.

**ITEM J.2.G.
RESOLUTION – APPROVE LICENSE AGREEMENT
BETWEEN TDEC AND RUTHERFORD COUNTY FOR
SPACE AT #1 PUBLIC SQUARE (ROOM 215)**

Item J. 2. G.

RESOLUTION

WHEREAS, the State of Tennessee, Department of Environment and Conservation desires to enter into an Agreement with Rutherford County for the purpose of securing approximately One Thousand Five Hundred (1,500) square feet of office and related space located at Number One South Public Square, Room 215, Murfreesboro, Tennessee 37130 for the Ground Water Protection staff; and

WHEREAS, the term of the Agreement shall begin on July 1, 2014 and shall end on June 30, 2016; and

WHEREAS, the State shall make payment in arrears on the last day of the payment period in the amount of Six Hundred Fifty Dollars (\$650.00) per month.


THEREFORE BE IT RESOLVED by the Rutherford County Board of Commissioners that the County Mayor be and is hereby authorized to execute a License Agreement with the State of Tennessee, Department of Environment and Conservation, a copy of the same being attached hereto as "Exhibit 1" and incorporated herein by reference as if set forth herein at length verbatim, on behalf of Rutherford County for office space for the Ground Water Protection staff payable in arrears on the last day of the payment period with monthly installments of Six Hundred Fifty Dollars (\$650.00) effective July 1, 2014.

RESOLVED this 12th day of February, 2015.

RUTHERFORD COUNTY, TN

BY: 
ERNEST G. BURGESS, Chairman

ATTEST:


LISA CROWELL, County Clerk

MOTION

Commissioner Mike Kusch moved, second by Commissioner Carol Cook, to suspend the rules to allow J.2.G to be considered. Commissioner Will Jordan indicated the matter, while an annual budget occurrence, was not heard in the Budget, Finance, and Investment Committee.

MOTION

Commissioner Joyce Ealy moved, second by Commissioner Carol Cook, to approve the License Agreement with TDEC.

UPON ROLL CALL, THE FOLLOWING COMMISSIONERS VOTED:

Doug Shafer – aye
Steve Percy – aye
Will Jordan – aye
Robert Peay – aye
Carol Cook – aye
Joe Frank Jernigan – aye
Mike Kusch – aye
Pettus Read – aye
Joe Gourley – aye
Brad Turner – aye
Chantho Sourinho – aye

Rhonda Allen – aye
Robert Stevens – aye
Paul Johnson – aye
Charlie Baum – aye
David Nipper – aye
Phil Dodd – aye
Jeff Phillips – aye
Allen McAdoo – aye
Shawn Kaplan – aye
Trey Gooch – aye

MOTION ADOPTED BY ROLL CALL VOTE.

**ITEM J.3.
HEALTH & EDUCATION COMMITTEE**

**ITEM J.3.A.
NO REPORT**

**ITEM J.4.
PROPERTY MANAGEMENT COMMITTEE**

**ITEM J.4.A.
RESOLUTION – APPROVE EXECUTION OF
CONSOLIDATED UTILITY DISTRICT EASEMENT AT
WHITWORTH BUCHANAN PROPERTY**

RESOLUTION


WHEREAS, the attached Utility Easement between Rutherford County, Tennessee and The Consolidated Utility District of Rutherford County, Tennessee for a proposed water line on the Whitworth-Buchanan Middle School property, a copy of said Utility Easement being attached hereto as Exhibit "1" and incorporated herein at length as if set forth verbatim, is in the best interest of the citizens of Rutherford County.

NOW, THEREFORE, BE IT RESOLVED by the Rutherford County Board of Commissioners that the appropriate officials for and on behalf of Rutherford County be and hereby are authorized to enter into and execute for and on behalf of Rutherford County the Utility Easement for The Consolidated Utility District of Rutherford County, Tennessee as presented.


RESOLVED this 12th day of February, 2015.

RUTHERFORD COUNTY, TENNESSEE

ATTEST:



LISA DUKE CROWELL, County Clerk


BY: _____
ERNEST G. BURGESS, Chairman

MOTION

Commissioner Allen McAdoo moved, second by Commissioner Joe Frank Jernigan, to approve the easement at Whitworth Buchanan property.

MOTION APPROVED BY UNANIMOUS VOICE VOTE

**ITEM J.5.
PUBLIC SAFETY COMMITTEE**

**ITEM J.5.A.
NO REPORT**

**ITEM J.6.
PUBLIC WORKS & PLANNING COMMITTEE**

**ITEM J.6.A.
NO REPORT**

**ITEM J.7.
STEERING, LEGISLATIVE
& GOVERNMENTAL COMMITTEE**

**ITEM J.7.A.
NO REPORT**

ITEM K. OTHER BUSINESS

Commissioner Charlie Baum, Audit Committee Chair, reported recent findings of State of Tennessee auditors.

Here are the findings:

Item 1. - The County Clerk reported one package of 'Month Stickers' (for placement on license plates) had been stolen. The Clerk now stores each package in a locked storage cabinet.

Item 2. - The Register of Deeds had petty cash stolen from a locked storage compartment. It had been determined a lock had been found to be compromised. The Register replaced the cash with personal funds and installed a wall safe in her office for storing cash.

Auditors addressed three 'repeat' deficiencies within the Circuit Court Clerk's office:

Item 3/4. - Reported accounting deficiencies are a direct result of previously reported, ongoing, software difficulties.

Item 5. - The segregation of duties within the Clerk's office are being addressed.

Item 6. - It was found multiple employees were working from the same cash drawer. The Clerk has formulated a plan to address this matter from reoccurrence.

Commissioner Carol Cook thanked Mayor Burgess for the lapel pin which depicts the Rutherford County seal.

ADJOURNMENT

As there was no further business, Mr. Chairman Ernest G. Burgess adjourned the Rutherford County Board of Commissioners Legislative meeting at 6:43 PM.

ENTER: 
CHAIRPERSON, ERNEST G. BURGESS

ATTEST: 
COUNTY CLERK, LISA COWELL